

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.231 OF 2019

Rajeshree Sunit Thanekar] Petitioner
Vs.
Shashikala Prabhakar Akhwa and others.] Respondents
.....
Mr. C.K. Bhangoli i/b R.K. Mendadkar, for Petitioner.
.....

CORAM : R.G. KETKAR, J.

DATE : 10TH JANUARY, 2019.

P.C.

Heard Mr. Bhangoli, learned Counsel for the petitioner.

2. This Petition takes exception to the order dated 1st December, 2018 passed by the learned trial Judge below Exhibit 31 in R.A.D. Suit No.700 of 2016. By that order, the learned trial Judge allowed the application filed by the petitioner/defendant No.5 for condoning delay of nearly two years in filing the written statement subject to payment of costs of Rs.15,000/- to be paid to the other side on or before next date.

3. The matter was heard at length yesterday and was kept today for passing orders.

4. Mr. Bhangole, on instructions, seeks permission to withdraw this Petition. On the motion made by Mr. Bhangole, the Petition is allowed to be withdrawn and is dismissed as such.

5. It is, however, expressly made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in memorandum of Appeal as contemplated by Section 105(1) of Civil Procedure Code, 1908 so far as the direction of payment of costs is concerned.

[R.G. KETKAR, J.]