

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2409 OF 2020

Niraj Kumar Dubey & anr.

.Petitioners

Vs.

Engg. Export Promotion Council

.Respondent

Mr. A. P. Wachasundar, Advocate, for the Petitioners

Mr. Pradeep Thorat, Counsel a/w Mr. Malcolm Siganporia, Counsel and
Mr. S. S. Ghosh & Mr. S. Chowdhary i/b. M/s. Hariani & Co., for the
Respondent

CORAM : REVATI MOHITE DERE, J.

DATE : 12.03.2020

P. C.

. Learned counsel for the Respondent raises a preliminary objection. He submits that in view of the Judgment of the Full Bench of the Bombay High Court in the case of ***Bhartiben Shah Vs. Smt. Gracy Thomas and others*** in **W. P. No. 9562 of 2010** along with connected matters dated 21.01.2013, the Petitioners ought to have challenged the order in Revision before the Appellate Bench of the Small Causes Court.

2. In view of the preliminary objection raised by the learned counsel for the Respondent, in particular, para 84 onwards of the said Judgment, learned counsel for the Petitioners seeks leave to withdraw the Petition with liberty to file a Revision Application before the

Appellate Bench of the Small Causes Court within two weeks from today.

3. Learned counsel for the Respondent states that if the Revision Application is filed within two weeks from today, he will not oppose the delay, if any, caused in filing the said Revision Application. Statement accepted.

4. Accordingly, the Petition is disposed of as withdrawn with liberty as prayed. If the Revision Application is preferred by the Petitioners before the Appellate Bench of the Small Causes Court, the Appellate Bench to consider the same on its own merits uninfluenced by the withdrawal of this Petition. All contentions of all parties are kept open.

(REVATI MOHITE DERE, J.)