

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11952 OF 2018**

The Oriental Insurance Company Ltd.	...Petitioner
Versus	
Sudha Hari Pophale	...Respondent

Mr. V. Y. Sanglikar for the Petitioner

Mr. Girish Godbole a/w Mr. J. P. Kapadia a/w Mr. O. Mohandas i/b Little & Co. for the Respondent

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 11th MARCH 2020

P.C. :

1 In view of the preliminary objection raised by the learned counsel for the respondent that the petitioner has an alternate efficacious remedy of challenging the impugned order by way of a revision application before the appellate bench, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to file a revision application before the appellate bench of the Small Causes Court.

2 Accordingly, the petition is disposed of as withdrawn with liberty as prayed.

3 Learned counsel for the petitioner states that he will file the said revision application within three weeks from today.

4 Learned counsel for the respondent, on instructions, states that he will not oppose the revision application on the ground of any delay that is likely to occur in filing the said revision application, if filed within three weeks from today. Statement accepted.

5 If the said revision application is filed within the stipulated period, the learned appellate bench of the Small Causes Court to decide the said revision application as expeditiously as possible and in any event, within six months from the date of filing of the said application. Interim relief granted by this Court is continued for a period of six weeks from today to enable the petitioner to file an appropriate application for interim relief before the appellate bench. If an application for interim relief is filed, the Appellate Bench to decide the same, on its own merits, uninfluenced by the interim protection granted by this Court.

6 It is made clear that this petition has not been heard on merits.

7 Petition is accordingly disposed of on the aforesaid terms. All contentions of all parties are kept open.

REVATI MOHITE DERE, J.