

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.30 OF 2021
IN
NOTICE OF MOTION NO.22 2 OF 2018
IN
TPACL NO.259 OF 2018
IN
TESTAMENTARY PETITION NO.816 OF 2015**

Kantilal Dharshi Shah ... Appellant
Versus
Jayesh Jayant Shah ... Respondent

Mr. Karl Tamboly with Ms. Chandra Naik, Ms. Chaitali Gosavi, for Appellant.
Mr. Ankit Lohia with Ms. Aditi Bhat i/by Mr. Rajiv Jadhav, for Respondent.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE: 18th AUGUST, 2021

P.C.:

1. The learned Advocate for the Appellant seeks to withdraw the above Appeal with liberty to file a review petition before the learned Single Judge if so advised. The Appeal is therefore disposed of as withdrawn with liberty as sought. However, it is clarified that the Learned Single Judge will decide the review petition strictly on merits and all contentions of the parties including the issue of maintainability are kept open.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)