

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

CIVIL WRIT PETITION NO.9743 OF 2021

Sangeeta Vijaykumar

.... Petitioner

Versus

Hedge Govind Vijaykumar and anr.

.... Respondents

Ms.Jennifer Michael i/b. Som Sinha & Associates, for the
Petitioner.

Ms.Ghazala Zubair Khan for the Respondent No.1.

CORAM :SARANG V. KOTWAL, J.

DATE : 25th FEBRUARY, 2022

P.C. :

1. Learned counsel for the Petitioner states that the proper remedy to challenge the impugned order is to file an appeal, but inadvertently Writ Petition is filed. She seeks liberty to file an appeal as per the provisions of Section 19 of the Family Courts Act and the Civil Procedure Code.

2. Considering the request made by the learned counsel for the Petitioner, the withdrawal of this Petition is permitted.

3. Learned counsel for the Respondent submitted that the cost be imposed on the Petitioner.

4. However, since it appears that it is *bonafide* mistake, I

am not inclined to impose costs at this stage.

5. Therefore, the following order is passed :

- (i) The Writ Petition is allowed to be withdrawn with liberty to the Petitioner to adopt an appropriate remedies in accordance with law.
- (ii) If such proceedings are filed, it shall be dealt with in accordance with law.
- (iii) The Petition is allowed to be withdrawn with aforesaid liberty and is disposed of as such.

(SARANG V. KOTWAL, J.)