

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**SECOND APPEAL NO.242 OF 2021**

(Smt. Shobha Vinayakrao Shirbhate Vs. Shri Vinod Ramchandra Wadekar)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri A.P. Deshmukh, Advocate for the appellant.  
Shri A.B. Patil, Advocate for the respondent.

**CORAM : M.S. KARNIK, J.**  
**DATED : MAY 04, 2022.**

Heard.

2. On 25/04/2022, this Court passed the following order :

*"1. During the course of hearing of this appeal, learned counsel for the appellant invited my attention to various clinical notes indicating the illness of the appellant which prevented her from filing the appeal within the period of limitation. He further submits that this clinical notes could not be brought to the notice of the Appellate Court.*

*2. These clinical notes are produced for the first time in the second appeal and which were not subject matter of consideration by the Appellate Court.*

*3. Faced with this difficulty, learned counsel for the appellant, prays for some more time to take instructions from the appellant as to whether any alternate recourse can be availed to remedy this situation.*

*4. List this matter on 02.05.2022."*

3. Learned counsel for the appellant, on instructions submits that the appellant is considering

filing of a review before the appellate Court. Reserving the liberty of the appellant to prefer a review before the appellate Court, the present appeal is allowed to be withdrawn.

4. It is made clear that I have not made any observations on the merits of the contention.

5. The parties are at liberty to raise all contentions including the maintainability of the review if the same is so filed.

6. Second appeal is disposed of as withdrawn with no order as to costs.

**(M.S. KARNIK, J.)**

*\*DB*