



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.4 OF 2022
IN
MISCELLANEOUS CIVIL APPLICATION NO.233 OF 2019
WITH
MISCELLANEOUS CIVIL APPLICATION NO.233 OF 2019
WITH
INTERIM APPLICATION NO.2624 OF 2022
IN
MISCELLANEOUS CIVIL APPLICATION NO.233 OF 2019

Bansidhar Annaji Bhakad

... Applicant

Vs.

Ismail Yusuf College

... Respondent

Mr.Subodh Joshi i/by Mr.J.S.Muthianis, Advocates for the Petitioner in RPV No. 4 of 2022

Mr.A.R.Patil, AGP for the Respondents No.1 and 2.

CORAM : ABHAY AHUJA, J.
DATE : 29 SEPTEMBER, 2023.

PC. :

1. This matter was listed in the morning session and was kept back as the learned AGP Mr.A.R.Patil was in another Court. When it is called out in the afternoon session, the learned AGP Mr.A.R.Patiil appears and points out that on 18th December, 2019 the Miscellaneous Civil Application was disposed of with directions to the City Civil Court at Bombay seized with Suit No.8431 of 1995 with request to complete the recording of evidence of the parties within one year being no later than November, 2020. Mr.A.R.Patil, learned AGP would also

point out to paragraph No.4 of the said order that Applicant had agreed to withdraw the prayer for transfer in the eventuality that the proceedings before the City Civil Court at Bombay were expedited and he therefore, submits that the review is not maintainable. Mr.Patil draws the attention of this Court to page 74 of the Review Application.

2. Mr.Subodh Joshi, learned counsel for the Review Applicant seeks to draw the attention of this Court to the review application and significantly to paragraph No.(v) and submits that the Petitioner is senior citizen, today of 68 years suffering from both legs and has been advised not to travel by standing. He would submit that since the Petitioner is coming from Nalasopara to Chembur by local train which are crowded, therefore, this Court entertain the review.

3. After the matter is heard for some time, Mr.Joshi seeks leave of this court to withdraw the review petition with liberty to file an appropriate application.

4. Review Petition is allowed to be withdrawn with liberty to file an appropriate application.

(ABHAY AHUJA, J.)