

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13833 OF 2025
IN
FIRST APPEAL (ST) NO. 22582 OF 2025

Bhanu Jamnadas Kapadia And Anr. ...Applicants

Versus

Tapan Sunil Kumar Aich S/o. Sunil Kumar Aich ...Respondents
And Ors.

SNEHA
NITIN
CHAVAN

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Mr. Prasad Dani, Senior Advocate a/w Mr. Rahul Mestry for the
Applicants.

CORAM : M.M. SATHAYE, J.
DATE : 12th DECEMBER, 2025

P.C. :

1. Heard learned Senior Advocate for the Appellant/ Applicants. He points out that by bonafide mistake, this appeal is filed challenging the impugned Judgment and decree, when a revision application should have been filed. He seeks liberty to withdraw the appeal with liberty to file appropriate proceedings along with delay condonation application.
2. Leave granted. Appeal and pending application are permitted to be withdrawn with liberty to file appropriate proceedings.
3. Needless to mention that time spent by the Appellants in prosecuting the present appeal (from date of filing of this appeal till today) shall be excluded under section 14 of the Limitation Act, 1963 while computing the limitation for fresh proceedings to be filed.

(M.M. SATHAYE, J.)