

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

WRIT PETITION NO. 16901 OF 2025

Apurva Jayantilal Shah

..Petitioner

Versus

Alka Jayantilal Shah and Ors.

...Respondents

Mr. Sandeep Sharma, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATE : 02nd FEBRUARY 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the petitioner submits that, the directions in clause 3 and 4 of the impugned order were uncalled for in the backdrop of the Notice of Motion taken out by the judgment debtor for stay of the execution proceedings under Order XXI Rule 29 of the Code of Civil Procedure, 1908. The learned Counsel for the petitioner further submits that, the entire record was before the Executing Court and, in any event, the petitioner is willing to produce the certified copy of the plaint and written statement before the Executing Court.
3. The learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to file a review application before the learned Judge, City Civil Court.

4. In view of the aforesaid submissions, the petition stands disposed with liberty to file a review application before the learned Judge, City Civil Court.

5. In the event, such an application is filed, the learned Judge, City Civil Court is requested to consider the same on its own merits, after adverting to the contentions of the petitioner that, the directions in the clause 3 and 4 of the impugned order were uncalled for and beyond the scope of the prayers in the Notice of Motion filed on behalf of the respondents-judgment debtors.

6. The time spent by the petitioner in prosecuting this petition, may be accounted for under Section 14 of the Limitation Act, 1963, in the event the question of limitation arises.

[N. J. JAMADAR, J.]