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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10010 OF 2014**

Dr. Jaiprakash L. Mishra and Anr.

... Petitioners

Versus

Kalyan Dombivali Municipal Corporation and Anr.

... Respondents

Mr. Jitendra H. Oak, for the Petitioners.

Mr. A.S. Rao, for the Respondent No.1.

Mr. Bhushan Walimbe, for Respondent No.2.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 4th AUGUST, 2015

PC.

. The learned counsel appearing for the Petitioners, on instructions, seeks permission to withdraw the Petition. He, however, submits that a liberty may be granted to file a fresh Petition in the event Regular Civil Suit Nos.572 of 2014 and 573 of 2014 are withdrawn by the second Respondent. The learned counsel appearing for the second Respondent opposes the prayer for grant of liberty. Both the suits have been filed by the second Respondent seeking eviction of the Petitioners under Section 16(1) (i) of the Maharashtra Rent Control Act, 1999. In both the suits, the second Respondent has filed undertakings as

required by law. The apprehension of the Petitioners is that if the suits are withdrawn, the Petitioners will find it very difficult to enforce the undertakings. Therefore, the prayer made by the Petitioners deserves to be accepted.

2. Accordingly, the Writ Petition is disposed of as withdrawn with liberty as prayed. We make it clear that we have made no adjudication on the merits of the controversy raised by the Petitioners in this Petition.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)