

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

WRIT PETITION NO.5303 OF 2016

Captain Jawala Singh Grewal

Through PoA Holder

Smt. Gurminder Grewal

.... Petitioner

versus

Shri Kishore Keswani and Ors.

... Respondents

Mr.R.V. Desai, Senior Advocate i/b. K.R.P. Legal for the Petitioner.

CORAM : R.G. KETKAR, J.

DATE : 20th OCTOBER, 2016

P.C. :

1. Heard Mr.R.V. Desai, learned Senior Counsel for the petitioner.

2. Mr.Desai states that respondents No.1 and 2 have delivered the possession of flat No.1503 A & B in Florentine Co-operative Housing Society Limited, Hiranandani Garden, Powai, Mumbai – 400 076 (for short 'suit premises') and the petitioner has received the peaceful and vacant possession of the same. He further stated that respondents have paid amount of compensation as agreed. He further states that respondents No.1 and 2 have

instituted R.A.D. Suit No.4/4/2014 in the Small Causes Court at Mumbai. Respondents No.1 and 2 have sought declaration of their tenancy rights in respect of the suit premises. As respondents No.1 and 2 have delivered possession of the suit premises to the petitioner, the Suit has become infructuous. He states that petitioner be permitted to produce authenticated copy of this order before the learned Trial Court seized of the suit for disposal of the Suit.

3. Mr.Desai further states that petitioner has initiated proceedings for recovery of possession of suit premises before the Competent Authority. As the petitioner has received possession, petitioner will take out appropriate application before the Competent Authority for withdrawal of the said proceedings. Mr.Desai seeks permission to withdraw this Petition as petitioner has received possession of the suit premises.

4. On the motion made by Mr.Desai, Petition is allowed to be withdrawn and the same is disposed of as withdrawn. Petitioner is at liberty to file application before the Trial Court,

seized of R.A.D. Suit, for disposal of the Suit. If such application is taken out, the learned Trial Judge will pass appropriate orders. All the parties including the Trial Court who is seized of R.A.D. Suit, and the Competent Authority seized of the proceedings shall act upon the authenticated copy of this order.

(R. G. KETKAR, J.)