

IN THE HIGH COURT OF JUDICATURE AT MUMBAI  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.5155 OF 2016

R. Anthony ... Petitioner  
Vs.  
Vasant Bapuji Surve ... Respondent

Mr. B. A. Singh for Petitioner.  
Mr. V. E. Pareira for Respondent.

**CORAM : R. G. KETKAR, J.**  
**DATE : AUGUST 11, 2016**

**P.C. :**

Heard Mr. Singh, learned Counsel for the petitioner and Mr. Pareira, learned Counsel for respondent.

2. Mr. Singh submits that Revision Application No.29 of 2016 was dismissed by the Additional Commissioner, Konkan Division on 27.07.2016. He has tendered photocopy of the order dated 27.07.2016, which is taken on record and marked 'X' for identification. He submits that in view of the disposal of the Revision Application, this Petition is rendered infructuous. He, therefore, seeks permission to withdraw this Petition with liberty to file Petition challenging the order dated 27.07.2016 passed by the Additional Commissioner. He submits that for a period of four weeks from today, interim order dated 28.04.2016 may be continued.

3. Mr. Singh further states that petitioner has deposited arrears of compensation as per order dated 28.04.2016 upto April 2016. He assures that compensation for the months of May, June, July and August 2016 shall be deposited in this Court within two weeks from today.

4. Mr. Pareira submits that respondent may be permitted to withdraw the amount so deposited by the petitioner.

5. In view thereof, Petition is allowed to be withdrawn with liberty as prayed for. Respondent is permitted to withdraw the amount deposited by the petitioner in this Court, unconditionally. Respondent will abide by the outcome of the proposed Writ Petition to be filed against the order dated 27.07.2016. Order accordingly.

**(R. G. KETKAR, J.)**

*Minal Parab*