

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

[1] Civil Revision Application NO. 345 OF 2016

Shaikh Mubin Shaikh Suleman Qureshi ...Applicant

Versus

Haji Naisar Ahmed Shabbir Ahmed And Ors ...Respondents

WITH

[2] Civil Revision Application NO. 348 OF 2016

Attaur Rahman Fazlur Rahman ...Applicant

Versus

Haji Naisar Ahmed Shabbir Ahmed And Ors ...Respondents

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Mr.N.R. Bubna, Advocate for the Applicants.

Mr. Mahendra N. Sandhyanshiv, Advocate for Respondents No.1 to 3.

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CORAM : R. G. KETKAR, J.

DATE : 11th August, 2016

P.C.

1. Heard Mr. N.R. Bubna, learned Counsel for the applicants and Mr.M.N. Sandhyanshiv, learned Counsel for respondents No.1 to 3 in all the applications, at length.

2. By these applications under Section 115 of Code of Civil Procedure, 1908 (for short, 'C.P.C.') the applicants have challenged the judgment and decrees dated 29.2.2016 passed by the learned District Judge-1, Malegaon in different appeals arising from judgment and decrees dated 11.4.2014 passed by the learned 5th Jt. Civil Judge, Junior Division, Malegaon in

different Suits. By these orders, the learned District Judge dismissed the appeals preferred by the applicants, hereinafter referred to as the 'defendant', and allowed the cross objection. The decree of trial Court was modified and the defendant was directed to hand over the vacant and peaceful possession of the suit premises to the plaintiffs within three months from the date of order.

3. The learned Counsel for the parties stated that fate of these matters will depend upon the outcome of Civil Revision Applications No.343/2016, 344/2016, 346/2016 and 347/2016. They submitted that the decision in those applications will govern the fate of these applications.

4. In view thereof and for the reasons recorded in order passed today in Civil Revision Applications No.343/2016, 344/2016, 346/2016 and 347/2016, these applications fail and the same are dismissed.

5. At this stage, Mr. Sandhyanshiv states that the applicants have deposited amount in the trial Court and he seeks permission to withdraw that amount. Mr. Bubna opposes this prayer. As the Appellate Court has decreed the suits and which orders are confirmed by me, I see no good reason for not permitting the plaintiffs to withdraw the amount so deposited by the defendant. Hence, the plaintiffs are allowed to withdraw the amount so deposited by the defendant in this Court unconditionally.

(R. G. KETKAR, J.)