

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

WRIT PETITION NO. 9559 OF 2015

Devraj Prabhulal Daiya

..Petitioner.

Vs

The State of Maharashtra and
Ors

.. Respondents

Mr.Prakash V. Dhopatkar, Advocate for Petitioner.

Mr. H.K.Vazirani with Pushpa Goswami, Advocates for
Respondents.

**CORAM : R.G.KETKAR,J.
DATE : 15/07/2016**

PC:

1. Heard Mr. P.B.Dhopatkar, learned counsel for the petitioner and Mr.H.K.Vazirani, learned counsel for the respondents at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 29.4.2015 passed by the learned Judge presiding over Court Room No.20 of the Court of Small Causes at Mumbai in MARJI Application No. 525 of 2014 as also the Judgment and order dated 24.8.2014 passed by the Appellate Bench of the Small Causes Court in 2B(iv) Misc. Appeal No. 334 of 2015. By these orders, the Courts below dismissed the application taken out by the petitioner for staying the execution of the order

passed in L.E.&C Suit No. 102/114 of 2007 in respect of Gala no.2 situate on plots no. 413-414, C.T.S. No.440,e Chemburgaon, D.K.Sandhu Marg, Mumbai 400 071 (for short, 'suit premises').

3. Mr. Dhopatkar has tendered affidavit of the petitioner as also proceedings of R.A.D. Suit No.273 of 2016. The same are taken on record and marked "X" Collectively for identification, He further states that the representative of the petitioner Mr. A.P.Anand is present in the Court. Upon taking instructions from the petitioner as also his representative who is present in the Court, he states that as the petitioner has already instituted declaratory suit, he is not pressing this petition. He seeks permission to withdraw this petition.

4. On the motion made by Mr. Dhopatkar, Petition is allowed to be withdrawn and is dismissed as withdrawn.

(R.G.KETKAR, J.)

