

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10644 OF 2015**

Ravindra R. Pottfode	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

**WITH
WRIT PETITION NO. 10645 OF 2015**

Kersi Jamshed Tavadia	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

**WITH
WRIT PETITION NO. 10646 OF 2015**

Sharad B. Dhri	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

**WITH
WRIT PETITION NO. 10647 OF 2015**

Chandrashekhar Dewoolkar	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

**WITH
WRIT PETITION NO. 10648 OF 2015**

Vivek Sukhtankar	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

**WITH
WRIT PETITION NO. 10649 OF 2015**

Nitin Premchand Dodhia	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

WITH
WRIT PETITION NO. 10650 OF 2015

Ruby B. Driver	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

WITH
WRIT PETITION NO. 10651 OF 2015

L. P. Cycle Shop	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

WITH
WRIT PETITION NO. 10652 OF 2015

Gool Gazdar	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

WITH
WRIT PETITION NO. 10653 OF 2015

Mrs S. R. Irani	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

WITH
WRIT PETITION NO. 10654 OF 2015

Sushilkumar Ghasiram Maurya	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

WITH
WRIT PETITION NO. 10655 OF 2015

Hirachand Sargarmal	..Petitioner
Vs.	
M/s Reshma Constructions	..Respondent

**Mrs Usha Purohit a/w Mr. P. D. Pise for the Petitioners
Mr. P. S. Dani Senior Advocate with Mr. Mahesh Mishra i/b Mr. Ravi
Thankaian for the Respondent**

**CORAM : R. M. SAVANT, J.
DATE : 8th JANUARY, 2016**

P.C.

1 The Learned Counsel appearing for the Petitioners in each of the above Petitions after arguing for sometime on instructions of the Learned Counsel Mr. Pise who in turn has been instructed by the Petitions, seeks withdrawal of the Misc Applications filed by the Petitioners abovenamed in which the impugned orders have been passed and which are subject matter of the challenge in the above Petition. The said withdrawal is sought on the ground that the Petitioners would have to file proceedings under Section XXI Rule 97 or Section 47 of the Civil Procedure Code questioning the execution or the executability of the decree, liberty is therefore sought to file the said proceedings.

2 The Learned Senior Counsel appearing on behalf of the Respondent has no objection to the said withdrawal with liberty to file proceedings either under Order XXI Rule 97 or under Section 47 of the CPC. The applications are accordingly allowed to be withdrawn. In view of the withdrawal of the applications, the orders impugned in the above Petitions are not required to be considered on merits and the same to accordingly stand set aside.

3 The Petitioners are granted 4 weeks time to file the said proceedings and for a period of 4 weeks i.e. upto 5-2-2016, the Petitioners would not be dispossessed. The grant of liberty as aforesaid would not be construed as any expression of any opinion on the merits of the applications which would include their maintainability. Any such applications that would be filed by the Petitioners, needless to state that the same would be considered on their own merits and in accordance with law.

4 With the aforesaid directions, the Writ Petitions are disposed of.

[R.M.SAVANT, J]