

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12343 OF 2016

(Edna Rosaline Mathias and another Vs. M/s. Ajwaa Developers)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Joel D'souza i/b. Mr. S. M. Kamble for Petitioners.
Ms Eventa Gonsalves for Respondent.

CORAM : R. G. KETKAR, J.

DATE : 26TH OCTOBER, 2016

P.C.:

Heard Mr. D'souza, learned Counsel for petitioners and Ms Gonsalves, learned Counsel for respondent.

2. By this Petition under Article 227 of the Constitution of India, petitioners, hereinafter referred to as 'plaintiffs', have challenged the judgment and order dated 19.10.2016 passed by the learned Judge, presiding over Court Room No.10 of the Court of Small Causes at Bombay below exhibit-8 in R.A.D. Suit No.1627 of 2016. By that order, the learned trial Judge rejected the application for interim relief made by the plaintiffs.

3. Ms Gonsalves raises preliminary objection on the ground of maintainability of this Petition. She submits that petitioners have an equally efficacious alternate

statutory remedy of appeal under Section 34(1) of the Maharashtra Rent Control Act, 1999 (for short 'Act').

4. In view thereof, Mr. D'souza seeks permission to withdraw the Petition with liberty to file appeal.

5. On the motion made by Mr. D'souza, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined merits of the case. All Contentions of the parties on merits are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab