

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 511/2015  
IN  
CIVIL REVISION APPLICATION NO.694/2013  
IN  
APPEAL NO.640/2005  
IN  
RAE SUIT NO.3417/1986

New Great Transport Co. & Anr.

...Applicants/  
original defendants  
Nos.1 and 2.

V/s.

Mohanlal Ghanshamdas Kukreja & Ors.

...Respondents/  
original plaintiff

Mrs. R. R. Khosla a/w. Mr. Prakash Ganwani for the Applicant  
None for the Respondent.

**CORAM: K.K. TATED, J.**  
**DATED : MAY 3, 2016**

**PC. :**

1. Heard the learned counsel for the applicant. This application is made by the plaintiff for fixing monthly compensation in respect of the suit premises @ Rs.17400/- pm.

2. The learned counsel for the applicant submits that during pendency of the Civil Revision Application, they took possession of the suit premises by following due process of law on 05.02.2014. He

submits that in view of these facts, the applicant may be permitted to withdraw the civil application with liberty to file an appropriate application before the trial court for mesne profits. To that effect, he made an endorsement on farad. Same is taken on record and marked "X" for identification.

3. Hence, the civil application stands dismissed as withdrawn with liberty as prayed for.

**(K.K. TATED, J.)**