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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12247 OF 2015
AND
WRIT PETITION NO.12711 OF 2015

Ms.Shaikh Shahjahan Begum Riyazuddin and anr. .. Petitioners

Vs.

Shaikh Jamaluddin Riyazuddin and others .. Respondents

Mr.Mohit P. Jadhav, Advocate for the Petitioners.

CORAM : R.G.KETKAR, J.
DATED : 14th JANUARY, 2016

P.C. :

. Not on board. At the request of Mr.Jadhav, taken up for admission. Heard Mr.Mohit P. Jadhav, learned Counsel for the petitioners.

2. By these Petitions under Article 227 of the Constitution of India, petitioners have challenged the orders dated 05/09/2015 passed by the learned Judge presiding over Court Room No. 37 of the Small Causes Court at Mumbai, Bandra Branch. By these orders, the learned trial Judge rejected the applications made by defendant No.1 for staying the Suits filed against him.

3. Mr.Jadhav submitted that the petitioners herein have instituted Suit No. 3 of 2010 on 24/12/2009 on the Original Side of this Court inter alia praying for declaration that plaintiffs and defendants therein are entitled to property described in Exhibit A

and such other properties as may be found discovered or disclosed as belonging to the estate of the deceased in the ratio of shares as described in paragraph 6 of the plaint. Mr.Jadhav states that Mr.Yusuf S.Khan, Constituted Attorney of petitioners is present in the Court. He has tendered photocopy of the PAN card which is taken on record and marked 'X' for identification. Mr.Jadhav states that next date of hearing before the trial Court is 20/01/2016. He further states that within 2 week from today, petitioners will take out appropriate proceedings and move that Court for appropriate reliefs. Upon taking instructions from Mr.Yusuf S.Khan, he seeks permission to withdraw these Petitions with liberty to take out appropriated proceedings before appropriate forum including proceeding in Suit No. 3 of 2010 which is pending on the Original Side of this Court for staying the Suits in question.

4. In view thereof, Petitions are allowed to be withdrawn with liberty as prayed for. The petitioners are at liberty to make application before the trial Court for adjourning the matter for a period of 3 weeks from 20/01/2016. If such application is made, the learned trial Judge is expected to adjourn the matter for a period of 3 weeks from 20/01/2016.

(R.G.KETKAR, J.)