

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

**CIVIL APPLICATION NO.404 OF 2015
IN
CIVIL REVISION APPLICATION NO.393 OF 2010**

Mohanlal Ghanshamdas Kukreja and anr. : Applicants.
Versus
M/s. Beekay Enterprise and ors. : Respondents.

Mr. Prakash Ganwani i/by Mr. R R Khosla for the Applicants.
Mr. J M D'silva for the Respondent No.1.

CORAM : R. M. SAVANT, J.
DATE : 11th February 2016

P.C.

1 It appears that the Respondent No.1 herein M/s. Beekay Enterprise has also filed a Civil Revision Application being No.551 of 2007. The said Civil Revision Application has been admitted and is pending hearing and final disposal and the stay of the decree is operating in the said Civil Revision Application. The above Civil Revision Application is filed as and by way of counter objection to the decree which has been impugned in the Civil Revision Application No.551 of 2007. By the Civil Application the Applicants/landlords seek direction that the Applicants be permitted to withdraw the amount deposited by the Respondents in the Small Causes Court by way of arrears of rent and the second relief sought is that the Respondent original Applicant in Civil Revision Application No.551 of 2007 be directed to pay compensation as per the judgment in *Atma Ram Properties (P) Ltd. v/s. Federal Motors Pvt.*

Ltd. reported in **2005 (1) SCC 705**. Since the above Civil Application is required to be filed by the Applicant in Civil Revision Application No.551 of 2007 filed by the Respondent herein, the learned counsel appearing for the Applicants herein Shri Prakash Ganwani seeks withdrawal of the above Civil Application with liberty to file an Application in Civil Revision Application No.551 of 2007. The learned counsel appearing on behalf of the Respondent No.1 Shri J M D'silva has no objection for the said course of action being followed. The above Civil Application is accordingly allowed to be withdrawn with liberty as prayed for. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]