

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 11652 OF 2014

Mr. John Paules Aluvanthingal
(Decd) Through LR's.

...Petitioners

Versus

Mr. Padmakar B. Samant (Decd)
Through LR's And Ors

...Respondents

WITH
Civil Application No.2947 of 2014
IN
Writ Petition NO. 11652 OF 2014

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Writ Petition NO. 11653 OF 2014

Mr. John Paules Aluvanthingal (Decd)
Through LR's.

...Petitioners

Versus

Mr. Padmakar B. Samant (Decd)
Through LR's And ors

...Respondents

WITH
Civil Application No.2948 of 2014
IN
Writ Petition NO. 11653 OF 2014

....
Mr. Shishir Joshi a/w. Ms. Neha Chokshi i/b. Ms. Urmila M.
Jhaveri, Advocate for the Petitioners.

Mr. Ketan Parekh i/b. K.R. Parekh & Co., for the Respondents.

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CORAM : R. G. KETKAR, J.

DATE : 30th June, 2016

P.C.

1. Heard Mr.Shishir Joshi, learned Counsel for the petitioners and Mr. Ketan Parekh, learned Counsel for the respondents in both the Petitions, at length.

2. By these Petitions under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 11.12.2014 passed by the Appellate Bench of the Small Causes Court at Mumbai (Bandra) in Appeal Nos.185/2004 and 186/2004. By that order, the Appellate Court allowed the Appeals No.185/2004 and 186/2004 preferred by the original defendant and modified the order passed by the learned trial Judge in Interim Notice No.1678/2004 and Interim Notice No.200/2004 and issued injunction restraining the defendants from obstructing the petitioners herein from fetching water from the suit well till final disposal of the suit.

3. After the matter was argued for quite sometime, it was adjourned to enable Mr. Parekh to make a statement as to whether the defendants will abide by the order of injunction

issued by the appellate Court restraining them from obstructing the petitioners from fetching water. Upon taking instructions, Mr.Parekh makes a statement that the defendants will abide by the injunction order granted by the Appellate Court. The statement made by Mr. Parekh is recorded.

4. In view of this statement, Mr. Joshi is not pressing these Petitions. Petitions are disposed of as not pressed. In view of disposal of Writ Petitions, Civil Application Nos.2947/2014 and 2948/2014 do not survive and the same are disposed of. Liberty is given to the parties to apply for disposal of the suit in a time bound manner. If such an application is made, the learned trial Judge will pass appropriate order. Order accordingly.

(R. G. KETKAR, J.)