

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4121 OF 2016

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.Bharat Zaveri a/w Mr.Rupesh Mandhare and Mr.Viren Vashi i/b M/s.Zaidy and Co. for the petitioners

Mr.Girish Godbole a/w Mr.Mayur Bhojwani and Mr.Seola Vas i/b M/s.Manilal Kher Ambalal and Co. fro the respondent no.2

CORAM : K. K. TATED, J.
DATE : APRIL 25, 2016

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 After arguing for some time, the learned counsel for the petitioner submits that he received instruction from his client to withdraw the present petition. He further submits that in the interest of justice, this Hon'ble Court be pleased to expedite the hearing of T.E. & R. Suit No.28/34 of 2010 pending in the court of Small Causes Court at Mumbai. To that effect, he has given in writing on farad. Same is taken on record and marked 'X' for

identification.

3 The learned counsel for the petitioner submits that they also filed R.A.E. Suit No.87/144 of 2003 challenging the sale deed dated 27.1.2000 executed by Kotak Enterprises Pvt.Ltd. in favour of Bank of Madhura Limited in respect of suit premises. Same is also pending for hearing and final disposal on its own merits. He submits that both the suits can be decided together. Hence, following order is passed:

- a) Writ Petition stands dismissed as withdrawn.
- b) No order as to costs.
- c) Hearing of T.E. & R. Suit No.28/34 of 2010 and R.A.E.Suit No.87/144 of 2003 pending in the court of Small Causes at Mumbai is expedited.
- d) Liberty granted to the parties to make appropriate application before the Trial Court for hearing of both the suits together and that be decided on its own merits.

JUDGE