

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO.1973 OF 2010

Pralhad Anand Gurav & Anr.Plaintiffs

V/s.

M/s.Govindram Brothers Pvt. Ltd. & Ors.Defendants

Ms.Aneeta Vasani i/by Pandey & Co. for plaintiffs.

Mr.K.R.Paresh for defendant no.1.

Mr.Bipin Joshi for defendants 2 to 4.

Mr.Prag Shah i/by Mahesh Shah & Co.for defendants 7(a) to 7(c).

Mr.Hemant Mehta i/by Mehta & Co. for defendant no.8.

CORAM : K.R.SHRIRAM,J

DATE : 28.3.2016

P.C.:-

1 The suit is filed against the plaintiffs to be declared as absolute owners/landlord of the suit property by way of adverse possession.

2 When the matter was listed on the last occasion, the counsel requested the matter be stood over by one week when it was brought to the notice of the counsel for the plaintiffs that such a suit was not maintainable. In view thereof, the counsel for the plaintiffs after taking instructions, seeks leave of the court to withdraw the suit. Suit dismissed as withdrawn.

3 Refund of court fees, if any, in accordance with Rules. All

interim applications stand disposed.

4 At the same time it is clarified that if any party files any suit or action against the plaintiffs, it is open to the plaintiffs to take all defences including defence of adverse possession.

5 The counsel for the defendants 2 to 4 and counsel for the defendant no.8 state that the plaintiffs are not in possession at all. This cannot be decided in this matter since the suit is dismissed as withdrawn. All rights and contentions of the parties are kept open.

(K.R.SHRIRAM,J)