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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 374 OF 2017
WITH
CIVIL APPLICATION NO. 478 OF 2017

Jayesh Rajnikant Patel	...Appellant
<i>Versus</i>	
Shirin Vispi Balsara	...Respondent

Mr Pradeep J Thorat, *for the Appellant.*
Mr Shadab Peerzade, *for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 19th June 2017

PC:-

1. Mr Thorat on instructions seeks leave to withdraw the Appeal from Order. The Appeal from Order is dismissed as withdrawn. There will be no order as to costs.

2. In view of this, the Civil Application is disposed of as infructuous.

3. It goes without saying that the Defendant is not to create any third party rights or part with possession of the suit premises. This direction is necessary since it is unequivocally the Defendant's own

case is that she is a tenant of the premises, a matter denied by the Plaintiffs, and yet to be tested. Equally the Defendant is not entitled to carry out any structural alterations or changes except in accordance with law, i.e., after obtaining all necessary permissions including the consent of the person she claims is her landlord.

4. The Suit will be heard on its own merits uninfluenced by the impugned order.

5. The Appeal from Order and the Civil Application are both disposed of in these terms with no order as to costs.

(G. S. PATEL, J)