

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**MISC. PETITION NO. 28 OF 2014
IN
TESTAMENTARY PETITION NO. 1741 OF 2012
WITH
NOTICE OF MOTION NO. 95 OF 2015
IN
MISC. PETITION NO. 28 OF 2014
IN
TESTAMENTARY PETITION NO. 1741 OF 2012**

Hima Shullai .. Petitioner

Vs.

Mrs.Banu Rajan .. Respondent

Mr.Trushar Bhavsar a/w. Mr. Ankit Rajput i/b Manoj Bhatt for petitioner.

Mr.Mayur Khandeparkar i/b Tirchy Radhakrishna for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 18TH APRIL, 2017

P.C.

1 Shri Khandeparkar for the respondent, on instructions, states that the respondent will seek possession of the premises, being Flat No.11, 3rd floor, building C, Shri Sant Narhari Lad Survankar Co-operative Housing Society Limited, Chembur, Mumbai 400 071, by adopting due process of law.

2 Shri Bhavsar for the petitioner states that if the petitioner is permitted to raise all points available in law at that stage, the petitioner is ready and willing to withdraw this petition.

Mr.Khandeparkar states that the petitioner may raise whatever points she wishes to raise when the respondent files any proceeding seeking possession.

3 Therefore, without prejudice to the rights and contentions of both the parties, the petition is allowed to be withdrawn and accordingly disposed.

4 In view of the above, notice of motion No.95 of 2015 also stands disposed.

All orders in the notice of motion also stand vacated.

(K.R. SHRIRAM, J.)