

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

MISCELLANEOUS PETITION NO. 5 OF 2015

Mr.Rajan Chawla

.. Petitioner

Vs.

Mr.Lisbon John Miranda & Anr.

.. Respondents

Mr.Rohaam Cama i/b I.R. Joshi and Co. for petitioner.

Mr.Induprakash Tripathi a/w. Ms.Bhagyashri Gawas i/b C.K. Tripathi for
respondent nos.1 and 2.

Ms.Louella Fernandes-respondent No.2 and constitute attorney of
respondent no.1.

CORAM : K.R.SHRIRAM, J.

DATE : 12TH APRIL, 2017

P.C.

1 Shri Tripathi for respondent nos.1 and 2 states that in a suit filed by respondent no.1 in the City Civil Court at Dindoshi, being Suit No.1428 of 2012, the petitioner herein has taken out a notice of motion for reliefs similar to that sought in the present petition and a status-quo order has been passed on 15th September 2012 by that Court. I am told, that order, is still continuing. The petitioner's counsel does not dispute this.

2 Mr.Cama for the petitioner submitted that if respondent no.1 withdraws that suit which is filed by him in the City Civil Court at Dindoshi then the notice of motion taken out by the petitioner in that suit will also stand disposed and the status-quo order may also get vacated. Shri Cama apprehends that if that happens, then the petitioner will be rendered remedy-less.

3 Shri Tripathi, on instructions from respondent no.2, who is present in Court and who is also the constituted attorney of respondent no.1, undertakes to give not less than three weeks notice to the petitioner if respondent no.1 intends to withdraw the Suit bearing No.1428 of 2012 before the City Civil Court at Dindoshi.

The undertaking accepted.

If the suit is so withdrawn, the status-quo order shall continue for a period of four weeks from the date of withdrawal. Shri Tripathi, on instructions from respondent no.2, is agreeable with this arrangement.

4 A copy of this order and a copy of the order passed by the City Civil Court at Dindoshi be forwarded to the Housing Society where the flat is situated so that the Society will not entertain any application for transfer of the said flat without an appropriate order from the Court of competent jurisdiction.

5 In view of above, Shri Cama for the petitioner seeks leave to withdraw the petition.

6 The petition dismissed as withdrawn.

(K.R. SHRIRAM, J.)