

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 2089 OF 2015**

Kanakben Pravinbhai Sanghvi & Ors.] Petitioners

Vs.

Kamlesh Singh Harnamsingh Chowhan] Respondent

.....

Mr. Shardul Singh i/b Vaibhav Gaikwad, for petitioner.

Mr. Amey Patil i/b Vivek Kantawala & Co., for respondent.

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CORAM : R.G. KETKAR, J.

DATE : 15TH JUNE, 2018.

P.C.

Heard Mr. Singh, learned Counsel for the petitioner and Mr. Patil, learned Counsel for the respondent.

2. Learned Counsel for the parties submit that by this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 14th August, 2014 passed by the Appellate Bench of the Court of Small Causes at Mumbai below Exhibit 17 in 2(a) Appeal No.220 of 2005 in R.A.E. Suit No.317/540 of 2000. By that order, the Appellate Court allowed the application Exhibit 7 and stayed eviction decree dated 24th June, 2004 subject to the tenant paying in addition to contractual rent, a sum of Rs. 14,945/- among other directions. Mr. Patil has tendered copy of the order dated 3rd March, 2016 by which appeal preferred by the defendant was allowed, trial Court's decree was set aside and matter was remitted to the trial Court. He

submitted that in view of this order, Petition is rendered infructuous. Copy of order dated 3rd March, 2016 is taken on record and marked 'X' for identification.

3. In view of these submissions, Petition is disposed as infructuous. Rule is discharged with no order as to costs. Petitioners are permitted to withdraw the amount deposited in the Small Causes Court Mumbai unconditionally.

4. All the parties including the Small Causes Court at Mumbai to act upon an authenticated copy of this order.

[R.G. KETKAR, J.]