

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2847 OF 2017

Vrajlal Panachand Shah (decd) through LR Sunil
Vrajlal Shah and others ... Petitioners
Vs.
Jagdishchandra Ramijilal Jain ... Respondent

Mr. Ajay Kumar Singh for Petitioners.
Mr. Vishal Kanade i/b. Mr. Abdul Rashid Shaikh for Respondent.

CORAM : R. G. KETKAR, J.
DATE : MARCH 5, 2018

P.C. :

Heard Mr. Singh, learned Counsel for petitioners and Mr. Kanade, learned Counsel for respondent at length.

2. By this Petition under Article 227 of the Constitution of India, petitioners, hereinafter referred to as 'defendants', have challenged the judgment and order dated 23.01.2017 passed by the appellate Bench of the Small Causes Court below exhibit-6 in Appeal No.23 of 2016 arising from judgment and decree dated 28.03.2016 passed by the learned trial Judge in R.A.E.Suit No.295/520 of 2012. By that order, the appellate Court allowed the application made by the defendants and stayed the trial Court's decree subject to defendants depositing monthly compensation at the rate of Rs.8,000/- per month from the date of the decree among other directions.

3. After arguing the Petition for quite some time, Mr. Singh seeks permission to withdraw this Petition with liberty to file review before the appellate Court.

4. On the motion made by Mr. Singh, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merits either way. All contentions of the parties in that regard are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab