

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 7576 OF 2017

Khushru A. Tarapore And Anr.

...Petitioners

Versus

Rustom Keki Mody

...Respondent

WITH**CIVIL APPLICATION NO.705 OF 2017**

Ms.Frahnak D.Contractor, for the Petitioner.

Mr.Shadab Peerzada, for the Respondent.

CORAM : G.S.KULKARNI, J.***DATE : 12 February 2018*****P.C. :**

1. Learned Counsel for the petitioner seeks leave to withdraw this petition with a liberty to file appropriate proceedings before the trial Court.
2. Allowed to be withdrawn with liberty as prayed for.
3. Needless to observe that time spent by the petitioner in pursuing this proceedings shall be taken into consideration for the application which would be filed by the petitioner before the trial Court.
4. Learned Counsel for the petitioner states that necessary application will be filed before the trial Court on or before 28 February

2018. Statement is accepted.

5. As the petitioner intends to file appropriate application before the trial Court on or before 28 February 2018, the respondent shall not proceed with the execution proceedings till such an application is moved before the trial Court for appropriate orders. However, this protection shall not be available after 28 February 2018.

6. Petition is accordingly disposed of subject to the above observations.

7. In view of disposal of the petition, pending civil application does not survive, it is accordingly disposed.

(G.S.KULKARNI, J.)