

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION (ST) NO. 8906 OF 2018**

Usha Devji Rathod & Anr.] Petitioners

Vs.

Hiralal Dande Kewat (since deceased)]

1(a) Parvatibai Hiralal Kewat & Ors.] Respondents

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Mr. Vaibhav Joglekar i/b Arvind D. Aswani, for Petitioner.

Mr. Rajesh Khobragade, for Respondents No.1A and 1B.

.....

CORAM : R.G. KETKAR, J.

DATE : 6TH APRIL, 2018.

P.C.

Heard Mr. Joglekar, learned Counsel for the petitioners and Mr. Khobragade, learned Counsel for respondents No.1(a) and 1(b) at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 7th February, 2018 passed by the learned Judge, Court Room No.8 of the Court of Small Causes at Mumbai below Exhibit 40 in Obstructionist Notice No.372 of 2012 arising from Execution Application No.120 of 2002 for execution of decree passed in R.A.E. & R Suit No.441/654 of 2010. By that order, the learned trial Judge rejected the application filed by the obstructionists for production of Annexure-II from Senior Colony Officer of the Municipal Corporation of Greater Mumbai and Pitch Holder's Card issued by the Assistant Municipal Commissioner.

3. The matter was heard at length yesterday and was kept today for passing order.

4. Mr. Joglekar states that petitioner No.2 who is husband of petitioner No.1 is present in the Court. He has tendered photo copy of his Driving Licence which is taken on record and marked "X" for identification. Upon taking instructions from him, he states that the petitioners are advised to challenge the judgment and decree dated 17th December, 2011 passed by the learned Judge, Court Room No.8 of the Small Causes Court at Mumbai in R.A.E & R Suit No.441/654 of 2010. In view thereof, he seeks permission to withdraw this Petition. Mr. Khobragade has no objection.

5. In view thereof, on the motion made by Mr. Joglekar, Petition is allowed to be withdrawn and is dismissed as withdrawn. Order accordingly.

[R.G. KETKAR, J.]