

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 609 OF 2018
IN
CIVIL REVISION APPLICATION NO. 309 OF 2018**

Babulal Mohanlal Soni	...	Applicant
V/s.		
Dwarkaprasad Ramniwas Karwa & others	...	Respondents

Ms. Amruta Devkat, i/b. Nitin P. Dalvi, for Applicant.

Mr. Ashok B. Tajane, for Respondents.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 26th SEPTEMBER, 2019.

P.C.:-

. On 03.09.2019 the applicant's counsel informed the Court that the applicants-tenants had surrendered the possession of the leasehold property. She also submitted that nothing survived in the Civil Revision Application. Thus, she wanted the Civil Revision Application to be closed. This Court accordingly passed an order.

2. Yesterday Shri. A.B. Tajane, the learned counsel for the respondents mentioned the matter. He drew my attention to the fact that the Civil Revision Application had already been dismissed. It was on 27.08.2018. Thereafter, the applicant applied for extension of time, through Civil Application No. 609 of 2018. This Court disposed of the Civil Application on 30.10.2018, by extending the time until 30.06.2019. Within that time, the applicant surrendered the possession.

3. As none appeared for the applicant, I had the case posted for today.

4. The respondent's counsel now insists that as the Civil Revision Application has already been dismissed, the question of its getting closed as withdrawn does not arise. The applicant's counsel, now present, accepts the contention advanced by the respondent's counsel. I, therefore, modify the order dated 03.09.2019, by replacing the last sentence with the following sentence :

“Though the learned counsel for the applicant wants the Civil Revision Application closed, I reckon it has already stood closed by way of dismissal. Therefore, no further specific order is required in this matter.”

[DAMA SESHADRI NAIDU, J.]