

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.3247 OF 2014
WITH
CIVIL APPLICATION NO.1242 OF 2014**

Nagesh Ramdular Chauhan & Anr.	]	Petitioners
Vs.		
Mani Bhavan Co.op. Hsg. Society Ltd. & Ors.	]	Respondents

WITH

**WRIT PETITION NO.3248 OF 2014
WITH**

CIVIL APPLICATION NO.1243 OF 2014

Chandulal Laxmidas Soni	]	Petitioner
Vs.		
Mani Bhavan Co-op. Hsg. Society Ltd. & Ors.	]	Respondents

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Mr. S.H. Mishra, for Petitioner.
Ms. Namrata Kadam i/b Amarnath R. Bhatt, for Respondents.

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CORAM : R.G. KETKAR, J.

DATE : 24TH JULY, 2018.

P.C.

Not on board. At the request of Mr. Mishra, taken up in the production board.

2. Heard Mr. Mishra, learned Counsel for the petitioner and Ms. Kadam, learned Counsel for the respondents.

3. Learned Counsel for the parties have tendered application for withdrawal of the Petitions along with;

- [1] receipt dated 22nd April, 2018 evidencing receipt of pay order of Rs. 1,00,000/- towards tenancy out of Rs. 11,00,000/-. On payment of post dated cheques of Rs. 10,00,000/- within six months, tenancy will be transferred in the name of Nagesh Ramdular Chauhan for Shop No.1 of the Society.
- [2] resolution of the 1st respondent/society dated 1st May, 2018,
- [3] general Power of Attorney dated 15th February, 2001 executed by Ratanshi Laxmidas Soni and Chandulal Laxmidas Soni appointing Nagesh Ramdular Chauhan and his mother Aarti Ramdular Chauhan as their Constituted Attorney,
- [4] general Power of Attorney dated 3rd October, 2008 executed by Aarti Ramdular Chauhan appointing her son Nagesh Ramdular Chauhan as her Constituted Attorney,
- [5] photo copy of Driving Licence of Mitesh Doshi, Secretary of respondent No.1/ Society,
- [6] photo copy of Driving Licence of Nagesh Chauhan,
- [7] photo copy of Aadhar Card of Nagesh Chauhan as also
- [8] consent terms filed in Writ Petition No.3247 of 2014 and Writ Petition No.3248 of 2014. These documents are marked as "X" colly for identification.

4. Learned Counsel for the petitioners seek permission to withdraw these Petitions in terms of the Consent Terms. The learned Counsel for the respondents has no objection. Mr. Mishra states that Nagesh Chauhan, Petitioner No.1 in Writ Petition No.3247 of 2014 and respondent No.3 in Writ Petition No.3248 of 2014 and C.A. of Aarti Ramdular Chauhan, petitioner No.2 in Writ Petition No.3247 of 2014 and respondent No.4 in Writ Petition No.3248 of 2014 is present in the Court.

5. Ms. Kadam states that Mr. Mitesh Doshi, Secretary of the 1st respondent/Society is present in the Court. Parties admit and confirm correctness of the Consent Terms. Learned Counsel for the parties submits Petitions may be disposed of in terms of the Consent Terms. Consent Terms provide that Nagesh Chauhan is entitled to withdraw compensation deposited in the Court along with accrued interest.

6. In view thereof, on the motion made Mr. Mishra, Petitions are allowed to be withdrawn in terms of the consent terms. Nagesh Chauhan is at liberty to withdraw the amount deposited in the Small Causes Court along with accrued interest unconditionally. Petitions are disposed of accordingly. In view of disposal of main Petitions, C.A. No.1242 of 2014 and 1243 of 2014 do not survive and the same are disposed of. Rule is discharged in the Petitions with no orders as to costs.

[R.G. KETKAR, J.]