

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 7750 OF 2017**

Naginbhai Maganlal Kapadia] Petitioner

Vs.

Gama Constructions Private Limited] Respondents

.....
Mr. Saahil Bijiwalla i/b FZB & Associates, for petitioner.
.....

CORAM : R.G. KETKAR, J.

DATE : 5TH JUNE, 2018.

P.C.

Heard Mr. Bijiwalla, learned Counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 28th April, 2017 passed by the learned Judge, Court Room No.19, Court of Small Causes at Mumbai in MARJI Application No.148 of 2017 in T.E. Suit No.73/89 of 2006.

3. Mr. Bijjiwala submits that aggrieved by the trial Court's eviction decree, the petitioner has filed substantive appeal and in the appeal stay is granted. He, therefore, submits that nothing survives in this Petition and seeks permission to withdraw the Petition. On the motion made by Mr. Bijiwalla, Petition is allowed to be withdrawn and as such is disposed of. It is made clear that I have not examined merits of the case.

[R.G. KETKAR, J.]