

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

WRIT PETITION [ST] NO.15195 OF 2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.R.C. Dhuru a/w. Amruta Athavale, Advocate
for the Petitioner.

Mr.Abhishek Bhat, Advocate for the Respondent.

CORAM : R. G. KETKAR, J.

DATE : 25/06/2018

P.C.:

1. Heard Mr.R.C. Dhuru, learned Counsel for the petitioner and Mr.Abhishek Bhat, learned Counsel for the respondent, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 20.12.2017 passed by the Competent Authority (Rent Act), Konkan Division, Mumbai in Application No.33/2012 as also the judgment and order dated 21.4.2018 passed by the Additional Commissioner, Konkan Division, Mumbai in Revision Application No.76/2018. By these orders, the Authorities below allowed the application filed by respondent No.1 herein made under Section 24 of the Maharashtra Rent Control Act, 1999 (for short, 'Act') and directed the petitioner herein and respondent No.2 jointly and severally to

hand over vacant and peaceful possession of Room No.2-AA, Ladiwala Chawl, Prabhadevi, Mumbai – 400 025 (for short, 'suit premises') to the first respondent. The petitioner and second respondent are jointly and severally directed to pay to the first respondent double the rate of monthly licence fee i.e. Rs.5,000x2=10,000/- from the date of expiry of leave and licence agreement i.e. from 1.11.2010 till the date of handing over vacant and peaceful possession of the suit premises to the first respondent.

3. Mr.Dhuru submitted that the petitioner has instituted S.C. Suit St. No.4739/2017 (No.210/2017) in the Bombay City Civil court at Mumbai against respondent No.1 (defendant No.1) and Manohar Bhaurao Bhosale (defendant No.2). By order dated 16.6.2017, the learned trial Judge issued injunction restraining defendants No.1 & 2 from interfering with the possession of the plaintiff and /or dispossessing the plaintiff (the petitioner herein) from room No.1 situate at Ladiwala Chawl, Old Prabhadevi Road, Mumbai- 400 025.

4. Mr.Dhuru states that the petitioner is present in the Court today. He has tendered a photo-copy of petitioner's Aadhaar Card, which is taken on record and marked 'A' for identification. Upon taking instructions from him, Mr.Dhuru states that as

interim injunction issued by the learned Judge of the City Civil Court is operating till date, he is withdrawing the Petition.

5. Mr.Bhat states that respondent No.1 is present in the Court today. He has tendered a photo-copy of his PAN card, which taken on record and marked 'B' for identification. Mr.Bhat, on instructions, states that respondent No.1 has no objection for the petitioner's withdrawing the Writ Petition.

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

(R. G. KETKAR, J.)