

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 7153 OF 2018

Promilla Satish Bharadwaj
Through Her civil application
Nitin Satish Bharadwaj

...Petitioner

Versus

M/s Cash For Gold
And another

..Respondents

....

Mr. Navid Y. Memon, Advocate for the Petitioner.

....

CORAM : R. G. KETKAR, J.

DATE : 16th AUGUST, 2018

P.C.

1. Heard Mr.Navid Memon, learned counsel for the petitioner.
2. This Petition takes exception to the order dated 21.3.2018 passed by the learned Judge, Court Room No.38 of the Court of Small Causes at Mumbai (Bandra Branch) below Exhibit-10 in L.D. Suit No.9/2018. By that order, the learned trial Judge allowed the application Exhibit-10 filed by the respondent, hereinafter referred to as the 'plaintiff' and issued injunction restraining the petitioner, hereinafter referred to as the 'defendant', from obstructing or disturbing the possession of the plaintiff in respect of the suit premises till disposal of

the suit or until further orders. The defendant is further restrained from creating any third party rights or interest in the suit premises till disposal of the suit or until further orders.

3. Mr. Memon seeks permission to withdraw this Petition on the ground that against the impugned order Misc. Civil Appeal contemplated under Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908 is maintainable.

4. In view thereof, as the petitioner has an equally efficacious alternate remedy, on the motion made by Mr. Memon, Petition is allowed to be withdrawn with liberty as prayed for and is disposed of as such. It is made clear that I have not examined merits of the case. All contentions of the parties on merits are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)