

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 8416 OF 2016

Rasiklal Hajarimal Kothari
And Anr

...Petitioners

Versus

Arjandas Metal Industries Pvt. Ltd.
And Ors

...Respondents

....

Ms. Nupur J. Mukherjee i/b. M/s. N.N. Vaishnawa & Co. for the
Petitioners.

Mr. Mukesh Subramaniam a/w. Priyanka Chandeliya i/b. Wilson
Cherian, for Respondents No.1 and 2.

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CORAM : R. G. KETKAR, J.

DATE : 02nd APRIL, 2018

P.C.

1. Not on board. At the request of Ms. Mukherjee taken up in
the production board.

2. Heard Ms.Nupur Mukherjee, learned Counsel for the
petitioners and Mr.Mukesh Subramaniam, learned Counsel for
respondents No.1 and 2.

3. This matter is moved by way of a praecipe dated 2.4.2018 for
withdrawal of the Petition in view of the Deed of
Compromise/Settlement dated 16.3.2018 entered into between the
parties. The Deed of Compromise/Settlement dated 16.3.2018 is taken
on record and marked 'X' for identification.

4. Ms.Mukherjee states that petitioner No.1 Rasiklal Hajarimal Kothari is present in the Court. She has tendered a photo-copy of his Aadhaar Card, which is taken on record and marked 'Y' for identification. Mr.Subramaniam states that Tarachand Arjandas Kashyap, one of the Directors of respondent No.1 is present in the Court. He has tendered a photo-copy of his Aadhaar Card, which is taken on record and marked 'Z' for identification.

5. The learned Counsel for the respondents gives no objection for setting aside the conditional order dated 24.6.2016 passed by the Appellate Bench of the Small Causes Court at Mumbai below Exhibit-6 in Appeal No.147/2016 whereby the eviction decree dated 15.12.2015 passed in R.A.E. Suit No.859/1577 of 2004 was stayed subject to the petitioners depositing sum of Rs.2,50,000/- per month in the Court on or before 5th day of each month.

6. The learned Counsel for the parties submit that as the matter is compromised between the parties, the petitioners may be permitted to withdraw the Petition.

7. In view thereof, on the motion made by Ms.Mukherjee, the Petition is disposed of as withdrawn. Order accordingly.

(R. G. KETKAR, J.)