

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**Writ Petition NO. 12637 OF 2017**

Mrs. June Miranda  
And Anr.

...Petitioners

*Versus*

Mr. Bobby Thomas

...Respondent

....

Mr. Sajid Shamim a/w. Murtuza S. i/b. Shamim and Company, for the  
Petitioners.

Mr. P.N. Shah, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 19<sup>th</sup> JULY, 2018

P.C.

1. Heard Mr.Sajid Shamim, learned counsel for the petitioners  
and Mr.P.N. Shah, learned counsel for the respondent, at length.

2. By this Petition under Article 227 of the Constitution of India,  
the petitioners, hereinafter referred to as 'plaintiffs', have challenged the  
order dated 13.7.2017 passed by the learned Judge, Court Room No.38  
of the Small Causes Court at Bombay, Bandra Branch below Exhibit-94  
in R.A.E. Suit No.479/938 of 2008. By that order, the learned trial  
Judge rejected the application made by the plaintiffs seeking direction  
against the defendant to deposit arrears of rent, rates, repair cess, taxes,

maintenance, water and electricity bills and other charges.

3. During the course of hearing, Mr. Shah has tendered a copy of the application dated 22.3.2018 filed by the defendant (Exhibit-100) in the trial Court *inter alia* praying for permission to deposit Rs.2,30,317/- in the Court towards the arrears of rent, Municipal taxes and other charges upto 31.3.2018 as set out in paragraph-8 of the application without prejudice by granting reasonable time to deposit the said arrears. Said application Exhibit-100 is taken on record and marked 'X' for identification. Mr. Shah submits that the application is fixed for hearing on 10.8.2018.

4. In view thereof, Mr. Shamim seeks permission to withdraw this Petition with liberty to challenge the impugned order subject to the outcome of application Exhibit-100.

5. In view thereof, on the motion made by Mr. Shamim, Petition is allowed to be withdrawn with liberty as prayed for and is disposed of as such. Order accordingly.

(R. G. KETKAR, J.)