

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.7388 OF 2019

Pushpendra Jethalal Mehta and Ors. .. Petitioners
vs.
Vijay Gokuldas Shah .. Respondent

Mr. R.D. Vora, for the Petitioners.
Mr. Sanjay Gunjekar I/b. Jaydeep Dev, for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 17th JULY 2019.

P.C. :-

1] Heard Mr. R.D. Vora, learned counsel for the
Petitioners.

2] This Petition takes exception to the order dated
20.2.2019 passed by the Appellate Bench of the Small
Causes Court at Bandra, Mumbai in Revision Application
No.95/2018. By that order, the Appellate Court allowed
Revision Application filed by the respondent, hereinafter
referred to as the 'defendant', and set aside the order dated
5.5.2018 passed by the learned trial Judge below Exhibit-25
in R.A.E. Suit No.248/511 of 2014. The Appellate Court
allowed application Exhibit-25 and directed the learned trial

Judge to appoint one Advocate from the Bar of the Small Causes Court at Mumbai as Court Commissioner to ascertain exact area in occupation of petitioners, hereinafter referred to as the 'plaintiffs', and manner of user thereof and to submit his report along with map, if necessary, within 15 days of the directions of the trial Court upon intimating both sides. The Court Commissioner, so appointed, is directed to submit his report after giving notice to both the parties and their respective advocates. The defendant is directed to bear the commission fees of Rs. 5,000/- towards the commission work.

3] Mr. Vora submitted that the suit filed by the Petitioners is settled by filing consent terms in the Small Causes Court, Bandra. He has tendered a copy of the consent terms dated 6th July, 2019 as also the order passed by the learned trial Judge in pursuance of the consent terms. The same is taken on record and marked "X" for identification.

4] Mr. Vora submits that the Petitioner No. 5 is present in the Court and he has tendered a photocopy of suit which is

taken on record and marked “Y” for identification.

5] In view thereof, Mr. Vora seeks permission to withdraw this Petition. Mr. Gunjkar, learned counsel for the Respondent has no objection for it.

6] In view thereof, on motion made by Mr. Vora, the Petition is allowed to be withdrawn and disposed of as such.

7] Order accordingly.

(R. G. KETKAR, J.)