

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 3167 OF 2019

Surendra Kumar Surana

...Petitioner

Versus

Pramod Balkrishna Mahadik

...Respondent

....

Mr. P.D. Jain a/w. Yogita V. Gogar & Neelam Thorat i/b. P.D. Jain & Co.,
for the Petitioner.

Mr. P.J. Thorat, Advocate for the Respondent.

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CORAM : R. G. KETKAR, J.

DATE : 13th MARCH, 2019

P.C.

1. Not on board. At the request of Mr. Jain taken up in the production board.
2. Heard Mr.P.D. Jain, learned counsel for the petitioner and Mr.P.J. Thorat, learned counsel for the respondent, at length.
3. This Petition takes exception to the order dated 31.1.2019 as also order dated 1.3.2019 passed by the learned Judge, Court Room No.21 of the Small Causes Court at Mumbai below Exhibits-122 and 124 respectively in R.A.D. Suit No.353/2007. By order dated 31.1.2019 below Exhibit-122, the learned trial Judge issued injunction restraining the petitioner, hereinafter referred to as the 'defendant', from taking possession of the suit premises till 1.3.2019. By order dated 1.3.2019

below Exhibit-124, the learned trial Judge extended the order passed below Exhibit-122 till 15.3.2019.

4. Mr. Jain submits that as the respondent, hereinafter referred to as the 'plaintiff', has filed appeal challenging the trial Court's decree and has taken out application for interim relief, the defendant will resist that application by advancing appropriate submissions. In view thereof, after arguing the petition for quite some time, Mr. Jain, on instructions, seeks permission to withdraw this Petition.

5. In view thereof, on the motion made by Mr. Jain petition is allowed to be withdrawn and is dismissed as such. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)