

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 5048 OF 2006

Anwar Rehmat Ali
And others

...Petitioners

Versus

Ashpaque Anjum Jalil Ahmed
And another

...Respondents

**With
Civil Application No.1466 OF 2007
IN
Writ Petition NO. 5048 OF 2006**

....

Mr. Ramesh A. Karale, Advocate for the Petitioners.
Mr.N.R. Bubna, Advocate for Respondent No.1.

....

CORAM : R. G. KETKAR, J.

DATE : 25th FEBRUARY, 2019

P.C.

1. Heard Mr. Ramesh Karale, learned counsel for the petitioners and Mr.N.R. Bubna, learned counsel for respondent No.1.

2. Mr. Bubna has tendered affidavit-in-reply dated 28.1.2019 filed by Ashfaque Anjum Jalil Ahmed, respondent No.1 above named. Same is taken on record and marked 'A' for identification. Mr. Bubna states that during pendency of the present petition, the disputes between the parties have been amicably settled. In view thereof, the petitioners have surrendered the possession of the suit premises on

24.6.2009 and from that date, respondent No.1 is in possession of the suit premises. He, therefore, submitted that the petition may be disposed of as infructuous.

3. Mr. Karale does not dispute the said position.

4. In view thereof, the Petition stands dismissed as infructuous. Rule is discharged with no order as to costs. In view of disposal of the main petition, Civil Application No.1466/2007 for fixing peremptory date of final hearing does not survive and the same is disposed of. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)