

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.5128 OF 2017

Kaizer Mohammedbhai Amin	]	Petitioner
Vs.		
Pinakin Bhailal Amin and another.	]	Respondents

.....
Mr. Aditya A. Kavale i/b Zohair & Co., Advocate for the Petitioner.
.....

CORAM : R.G. KETKAR, J.

DATE : 14th JUNE, 2019.

P.C.

Heard Mr. Kavale, learned Counsel for the Petitioner.

2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as 'defendant' has challenged the order dated 3rd May, 2016 passed by the Appellate Bench of the Court of Small Causes at Mumbai in Revision Application No.96 of 2016. By that order, the Appellate Court allowed the Revision Application filed by the respondents/plaintiffs and set aside the order dated 30th January, 2016 passed by the learned trial Judge below Exhibit 42 in R.A.E & R Suit No.1050/1568 of 2010. The learned trial Judge rejected to frame issue in consonance with the pleadings.

3. Mr. Kavale has tendered photo copy of the order dated 28th November, 2017 passed by the learned trial Judge below Exhibit 53 in R.A.E. & R Suit No.1050/1568 of 2010. He submitted that the parties have settled the controversy between the parties out of the Court and the suit was withdrawn.

He, therefore, seeks permission to withdraw the Petition. Copy of the order dated 28th November, 2017 is taken on record and marked 'X' for identification.

4. On the motion made by Mr. Kavale, Petition is allowed to be withdrawn and as such is disposed of. Order accordingly.

[R.G. KETKAR, J.]