

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1072 OF 2019
IN
SUIT NO.304 OF 2013

Prabhavati Devi Bholanath Yadav & Ors.... Applicants/Plaintiffs

V/S.

Rahul Radheshyam Yadav

... Defendant

Mr. Dharmendra M. Joshi for Applicants / Plaintiffs.

Mr. V.J. Mehta & Mr. J.S. Shukla I/b. Mr. Vaibhav Mehta & Associate for Defendant.

CORAM : B. P. COLABAWALLA, J.
DATED : 30th AUGUST, 2019.

P.C.

1. This Notice of Motion has been filed *inter-alia* seeking an order to deposit the passport of the defendant with this Hon'ble Court. This Motion is on the apprehension of the plaintiff that the defendant would be shifting out of India permanently.

2. Considering that in the companion Motion (Notice of Motion No.444 of 2015) the defendant has already given an undertaking dated 30.08.2019 that the defendant shall not

permanently shift out of India, although he may go out of India for a casual tour or for any other purpose, I do not think that the apprehension would survive any more.

4 In these circumstances, the learned advocate appearing on behalf of the applicants/ plaintiffs seek leave to withdraw the above Notice of Motion.

5 Acceding to this request, leave as prayed is granted and the Notice of Motion is disposed of as withdrawn. No order as to costs.

(B. P. COLABAWALLA, J.)