

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.2371 OF 2021****WITH****INTERIM APPLICATION NO. 1284 OF 2021**

Thomas Albert Netto

... Petitioner.

V/s.

Ajit Dattaram Ambekar and Anr.

... Respondents

Mr.Kunal Mehta a/w Mr.Robin Fernandes and Ms.Prakriti Shah i/b. Vesta Legal for the Petitioner.

Mr.Kunal Bhange i/b. Mr. Akshay Pawar for Respondent No.1.

Mr.Raj Patel i/b. Mr. Mohan P Patel for Respondent No.2.

CORAM : A.S. GADKARI, J.**DATE : 26th October, 2021.****PC. :**

1. Present Petition was heard at length yesterday.

After hearing the learned counsel for the Petitioner, when this Court expressed its disinclination to interfere with the impugned Order dated 24th March, 2021, Mr. Mehta, learned counsel for the Petitioner had sought time to take instructions in that behalf. The Petition was therefore adjourned today.

2. Today, Mr. Mehta, learned counsel for the Petitioner, on instructions from the Petitioner, who is personally present in the Court, seeks leave to withdraw the Petition unconditionally.

Leave granted.

3. At this stage, Mr. Mehta, learned counsel for the Petitioner submitted that, he is no more interested in detaining the suit premises and today vacant and peaceful possession of the suit premises and the keys of it are being handed over to the Respondent No.2, who is personally present in the Court.

Mr. Mehta, learned counsel in fact handed over keys of suit premises to Mr.Patel, learned counsel, on behalf of Respondent No.2, who acknowledged the receipt of the same.

4. It is needless to mention here that, as per terms and conditions of the Leave and Licence Agreement dated 5th February, 2014 and in particular Clause No.25 therein, the Petitioner and Respondent No.1 are jointly and severally liable to pay the License fees to the Respondent No.2.

The Competent Authority will take into consideration the said aspect while finally deciding the Eviction Application No.193 of 2019 filed by the Respondent No.2.

5. It is further clarified that, the rights and contentions of the Petitioner against the Respondent No.1 independently and as may be permissible under the provisions of law are expressly kept open.

6. Petition is disposed off as withdrawn with aforesaid terms.

7. In view of the disposal off the Petition itself, Interim Application No.1284 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]