

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 294 OF 2021
WITH
INTERIM APPLICATION NO. 2574 OF 2021**

Somappa Babu Devidiga
(Through POA Holder)

Suresh Somappa Devidiga

V/s.

Ibrahim Kasamkhan and Ors.

... Appellant/Applicant

... Respondents

Ms. Smita Gaidhani a/w Mr. Kedar Purav for Appellant/Applicant.
Mr. Girish Agarwal i/by Mr. Sachin Padaye for Respondent No.1.

CORAM : A.S. GADKARI, J.

DATE : 25th October, 2021.

PC. :

1. At the outset Mr. Agarwal learned counsel appearing for Respondent No.1 raised a preliminary objection and submitted that, the present Second Appeal against the impugned Judgment and Order dated 3rd April, 2021 in Regular Civil Appeal Nos. 281 of 2017 and 282 of 2017 is not maintainable in view of Section 31(3) of Maharashtra Rent Control Act, 1999.

2. Facing with the said difficulty, learned counsel appearing for the Appellant seeks leave to withdraw the present appeal with liberty to file a substantive Writ Petition/Civil Revision as may be permissible under the law.

Leave and liberty granted.

3. Second Appeal is disposed off as withdrawn with aforesaid liberty.
4. In view of disposal of Second Appeal itself, Interim Application No.2574 of 2021 does not survive and is also disposed off.

[A.S. GADKARI, J.]