

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 12765 OF 2015**

Shyamsunder Radheshyam Agarwal ... Petitioner
V/s.
M/s. Sanghvi Developers Pvt. Ltd. & Ors. ... Respondents

Mr.Chintan Shah i/b. Mr.Sandesh Patil for Petitioner.
Mr.S.H. Kankal, A.G.P for Respondent Nos.8 to 10 & 12.
Mr.Deepak Shukla i/b. Mr.Vinod Mistry for Respondent No.13.

CORAM : A.S. GADKARI, J.
DATE : 18th August 2021.

PC. :

1. Learned counsel appearing for Respondent No.13, on instructions, submitted that, Respondent No.13 will not pursue his application for intervention filed in RTS Revision No.189 of 2013 pending on the file of Additional Commissioner, Konkan Division, Mumbai. An affidavit dated 28th July 2021 duly affirmed by Respondent No.13 is tendered across the bar by the learned counsel for the Respondent No.13. The same is taken on record and marked 'X' for identification.

2. In the said affidavit, Respondent No.13 has categorically stated that, he has already adopted an independent proceedings challenging the legality and validity of Mutation Entries Nos.6403 and 2979 thereof and

therefore, he is withdrawing his intervention application filed in RTS Revision No. 189 of 2013. He has further stated that, he has no objection if this Court sets-aside the Order dated 26th October 2015 passed by the Additional Commissioner, Konkan Division, Mumbai.

3. In view of the above, the impugned Order dated 26th October 2015 passed by the Additional Commissioner, Konkan Division, Mumbai in RTS Revision No. 189 of 2013 is hereby set-aside.

4. Petition is allowed in the aforesaid terms.

5. In view of the aforesaid facts, the Application for intervention filed by Respondent No.13 before the Additional Commissioner, Konkan Division, Mumbai, stands withdrawn and is accordingly disposed off.

6. In view of disposal of Petition, interim relief granted by Order dated 14th March 2016 stands vacated and the Additional Commissioner, Konkan Division, Mumbai, is directed to decide the matter i.e. RTS Revision No. 189 of 2013 as per the provisions of law.

[A.S. GADKARI, J.]

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