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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.4898 OF 2005
WITH
INTERIM APPLICATION NO.2175 OF 2019
IN
WRIT PETITION NO.4898 OF 2005**

Ali Akabar Nazarian (since deceased)

Thr. His Legal Heirs

1A. Souhbra Ghulami and Ors.

...Petitioners

Versus

Bansilal Santaram Obhan and Ors.

...Respondents

**WITH
CIVIL APPLICATION NO.254 OF 2019
IN
WRIT PETITION NO.4898 OF 2005**

Anita K. Obhan and Ors.

... Applicants

In the matter between

Ali Akabar Nazarian (since deceased)

Thr. His Legal Heirs

1A. Souhbra Ghulami and Ors.

...Petitioners

Versus

Bansilal Santaram Obhan and Ors.

...Respondents

- Mr. Nachiket V. Khaladkar, for the Petitioners.
- Mr. S.A. Bhagwat a/w Mr. Rohit R. Jaiswar for Respondent Nos.5(1), 6 and 7.
- Mr. Arvind Obhan Respondent No.5(1) present in Court.

CORAM : MADHAV J. JAMDAR, J.

DATE : 14th FEBRUARY 2023

P.C. :

1. Mr. Khaladkar, learned counsel appearing for the Petitioner

No.1A, 1B and 1C states that these Petitioners have settled the matter

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with the Respondent Nos.5.1, 6 and 7 who are the landlords. He states that these Petitioners will be vacating the suit premises on or before 20th March 2023.

2. Mr. Sandeep Bhagwat, learned counsel appearing for the Respondent Nos.5.1, 6 and 7 states that the said Respondents will be handing over Demand Draft of the agreed amount to the Petitioner Nos.1A, 1B and 1C simultaneously at the time when they vacate the suit premises and hand over vacant and peaceful possession of the same to these Respondents.

3. Mr. Khaladkar, learned counsel appearing for the Petitioners states that rest of the Petitioners are staying at Iran since 1980. He further states that he is not in a position to contact them despite best efforts. He states that in view of the above arrangement arrived at between the Petitioner Nos.1A, 1B and 1C and the Respondent Nos.5.1, 6 and 7, the Petitioner Nos.1A, 1B and 1C have instructed him to withdraw the Petition. Petitioner No.1B – Sameera Nazariyan is present in Court. She confirms that the dispute is settled and the Petitioner Nos.1A, 1B and 1C will be handing over possession of the suit premises to the Respondent Nos.5.1, 6 and 7 who are the landlords on receiving the Demand Draft.

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4. Mr. Bhagwat, learned counsel appearing for the Respondent Nos.5.1, 6 and 7 states that Respondent No.7 – Arvind K. Obhan is present in Court. Both the Petitioner Nos.1B and Respondent No.7 confirm about the above arrangement.

5. Respondent Nos.5.1, 6 and 7 are permitted to withdraw the amount which the Petitioners have deposited in the Small Causes Court. It is clarified that the said withdrawal is on behalf of all the Respondents. It is also clarified that the Respondent Nos.5.1, 6 and 7 will be accepting the possession of the suit premises on behalf of all the landlords.

6. In view of above arrangement, Petitioner Nos.1A, 1B and 1C are permitted to withdraw the Writ Petition. As far as other Petitioners are concerned, the Writ Petition is dismissed for non-prosecution.

7. In view of above, Writ Petition is disposed of in above terms with no order as to costs. In view of disposal of the Writ Petition, nothing survives in the Interim Application and the same is also disposed of accordingly.

[MADHAV J. JAMDAR, J.]