

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14317 OF 2018

**N.M. Petit Charity Fund, Mumbai
& Ors.**

..... Petitioners

VERSUS

Mr. Kaikhushroo Sam Irani & Ors.

..... Respondents

Mr.Prasad Dani, Senior Advocate a/w. Ms.Rupa Shaw i/b. FZB & Associates for the Petitioners.

Mr.Sureshkumar J.Panicker a/w. Ms.Poonam Panicker, Ms.Anita Chikane for the Respondent No.1.

CORAM: RAJESH S. PATIL, J.

DATE : 15 FEBRUARY, 2024

P.C. :-

Mr.Dani, learned senior counsel for the petitioners/licensors submits that during the pendency of this petition, which challenges the impugned order granting leave to defend; the original proceedings before the Competent Authority has gone forward and is at the stage of evidence.

2. Hence, Mr.Dani submits that the contentions raised by the petitioners can be kept open to be argued by them in case any adverse orders are passed against them by the Competent

Authority, or the Additional Commissioner, Konkan Division. He therefore seeks leave to withdraw this writ petition.

3. Hence, this writ petition is disposed of as withdrawn keeping all contentions raised by the petitioners in this writ petition to be raised in case any adverse orders are passed against the petitioners.

4. The hearing of the eviction proceedings bearing No. 81 of 2016 pending before the Competent Authority, Bandra, Mumbai is hereby expedited.

5. Competent Authority to make an endeavour to dispose of the proceedings as early as possible and in any case, within a period of six months from today.

6. The parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]