

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10294 OF 2024

Shri. Umesh Hiralal Karnavat
and Ors.

....Petitioners
(Orig. Plaintiffs)

: **Versus** :

M/s. J. Kumar Infraprojects Ltd.

....Respondent
(Original Defendant)

Mr. Jaydeep Deo, for the Petitioners.

Mr. Munir Merchant a/w. Mr. Javed Dhorajiwala, Mr. Nimeet Sharma, Ms. Jalpa Shah, Ms. Himani Narula and Mr. Vinit Vaidya i/by. MZM Legal, for the Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 4 DECEMBER 2024.

P.C. :

1) Mr. Deo, the learned counsel appearing for the Petitioners, on instructions, seeks leave to withdraw the petition. He would however urge the Court to ensure completion of all the formalities of handing over of possession of the suit premises to the Plaintiff on account of dispute between the parties about which party exactly is in possession of the premises. Accordingly, Plaintiffs and Defendant shall complete the formality of handing over and taking

over of possession of the suit premises on 5 December 2024. It is clarified that the act of formal handing over and taking over of possession on 5 December 2024, will be without prejudice to the rights and contentions of the parties and such an act shall not be construed in law to mean that the Defendant remained in possession of the suit premises till 5 December 2024. Both the parties shall remain present at the suit premises at 11.00 a.m. on 5 December 2024 and complete the formality of handing over and taking over of possession of the suit premises.

2) In case the Defendant takes a position that it does not have keys of the suit premises, the lock of the premises shall be broke open by the Plaintiff and possession of the suit premises be taken over.

3) The Writ Petition is accordingly **allowed to be withdrawn and disposed of.**

NEETA
SHAILESH
SAWANT

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[SANDEEP V. MARNE, J.]