

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

WRIT PETITION NO.13381 OF 2024

Kanaiyalal Jagjivan Darji & Ors.

....Petitioners

V/S

Bhushan Krishna Thorat & Ors.

....Respondents

Mr. Yusuf S. Mithi a/w Mr. Vaibhav R. Shah *for the Petitioners.*

Mr. Surendra R. Yadav *for Respondents.*

CORAM: SANDEEP V. MARNE, J.

DATE : 30 SEPTEMBER 2024.

P.C.:

1 The learned counsel appearing for the Petitioners, on instructions, seeks leave to withdraw the Petition. He would however complain that Respondents/Defendants have not complied with the order passed by the Small Causes Court directing deposit of arrears of license fees under provisions of Order XV-A of the Code of Civil Procedure, 1908 (**the Code**). If there is any failure on the part of Respondents/Defendants in making a deposit of amount directed by the Small Causes Court under Order XV-A of the Code, the Small Causes Court is vested with necessary jurisdiction for striking of the defence of Respondents/Defendants. In the event there is any delay on the part of

Respondents/Defendants in making deposit of the amount, the Small Causes Court can also direct payment of interest on such delayed payment.

2 Writ Petition is accordingly permitted to be withdrawn and **disposed of**.

(SANDEEP V. MARNE, J.)

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