

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 CRA NO. 104 OF 2024

MOHAMMAD ABDUL SHAIKH DIED THR LRS ADAM
MOHAMMAD SHAIKH AND ORS

VERSUS

DAGDU NAGNATH KASAR

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Advocate for Applicants : Mr. V. S. Bedre h/f Mr. Urgunde S.P.

Advocate for Respondent : Mr. A. R. Devakate.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 21.07.2025

PER COURT :-

1. Present revision application is directed against the judgment and decree of possession passed in a suit filed under Section 9 of CPC. Trial Court dismissed the suit. The said decree is reversed by Lower Appellate Court. It reveals from record that revision is not maintainable because proceedings are not under Hyderabad Houses (Rent, Eviction and Lease) Control Act.

2. Learned counsel for the applicants seeks leave to withdraw revision with a liberty to file second appeal along with application for condonation of delay. He further undertakes to file appeal with necessary application within a

period of one (1) week from today. Leave granted as prayed for.

3. Civil revision application stands dismissed as withdrawn.

4. It is informed by learned counsel for the respondent that decree was passed by the Lower Appellate Court on 12.09.2022. It is on the verge of execution and the possession warrant has also been issued. Considering the exigency, matter is specifically kept on 05.08.2025 by which the applicants if so advised shall be at liberty to file appeal along with application.

5. Learned counsel Mr. Devakate undertakes that he will not execute the decree till the next date.

6. List second appeal and civil application on 05.08.2025.

7. If the steps are not taken by the applicants then Mr. Devakate, learned counsel for the respondent shall stand discharged from his statement without reference to this Court.

(SHAILESH P. BRAHME, J.)

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vmk/-