

ITEM NO.35

COURT NO.15

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.24031/2017

(Arising out of impugned final judgment and order dated 14-07-2017  
in WP No.80/2017 passed by the High Court of Judicature at Bombay)

M/S K.T. KUBAL AND CO.

Petitioner(s)

VERSUS

MUJIBUR REHMAN HAJI ISRAR ALAM SIDDIQUI

Respondent(s)

(With I.R. and IA No.88842/2017-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT)

WITH S.L.P.(C) No.27412/2017 (IX)

(With IA No.187436/2019 - WITHDRAWAL OF CASE/APPLICATION)

Date : 09-05-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s)

SLPC 24031/2017

Mr. Anish R. Shah, AOR

SLPC 27412/2017

Mr. Sameer Davar, Adv.  
Mr. Akash Deep, Adv.  
Mr. Avesh Chaudhary, Adv.  
Ms. Aditi Gupta, AOR

For Respondent(s)

SLPC 27412/2017

Mr. Sameer Davar, Adv.  
Mr. Akash Deep, Adv.  
Mr. Avesh Chaudhary, Adv.  
Ms. Aditi Gupta, AOR

SLPC 27412/2017

**Mr. Anish R. Shah, AOR**

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 There are two Special Leave Petitions before this Court, one filed by the original plaintiff (landlord), and the connected petition by the original defendant (tenant).
- 2 The tenant suffered an eviction decree. He went in appeal before the Appellate Bench of the Small Causes Court, Bombay and prayed for stay of the decree. The appeal before the Appellate Bench of the Small Causes Court came to be registered as Appeal No 306 of 2016. The Appellate Bench of the Small Causes Court imposed certain conditions for the purpose of stay of the decree. Being aggrieved, the landlord moved the High Court by way of a petition under Article 227 of the Constitution.
- 3 The High Court modified the order. Being dissatisfied, both the tenant as well as the landlord are here before this Court with their respective petitions.
- 4 Today, when the matter was taken up for hearing, the learned counsel appearing for the parties brought to our notice that the parties have been able to arrive at an amicable settlement reduced into writing and duly signed. In such circumstances, the landlord has preferred an interlocutory application (IA No 187436 of 2019) seeking permission to withdraw the Special Leave Petition.
- 5 In any view of the matter, since the parties have settled the dispute and have agreed to abide by the terms and conditions as stipulated in the settlement agreement, no further adjudication is required on merits. In view of the same, both the Special Leave Petitions are disposed of accordingly.

6 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(RAM SUBHAG SINGH)**  
**Court Master**