

M. IMTIYAZ

Exh. 11
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IN THE SMALL CAUSES COURT AT MUMBAI.

MARJI APPLICATION NO. 99 OF 2018

IN

R.A.E. & R. Suit No. 70/96 of 2010

MOHAMED SHAFI LAL MOHAMED,

Plaintiff

V/s

GULAM MOHD. HAJI HUSSAIN & ANR

Defendants

AND

MUNIRABANU WD/O MOHAMMEDSHAFI

QURESHI & ORS.

Applicants

Applicants application to permit them to withdraw Marji Application upon Defendant No. 1 due to no relief sought against Defendant No.1.

May It Please Your Honour :-

I, Mohammed Imtiyaz s/o Mohamed Shafi Qureshi, aged about 40 years, the Applicant No. 3 hereinabove, do hereby state on solemnly affirmation as under :-

1) I say that I have taken out above Marji Application for withdrawal of Rs.30,945/- in respect of suit premises viz. Shop No.5, Ground Floor, House No. 54, Qureshi Nagar, Kasaiwada, Kurla (East), Mumbai - 400 070 on plot of land of C.T.S. No. 113, of Village - Kurla which was deposited by Defendant No. 2 in ledger Folio No.M-22, in R.A.E. & R. Suit No. 70/96 of



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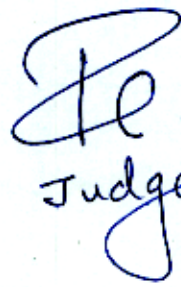
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8-4-19

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order

Perused record. Defendant no. 2 has deposited the rent. No reliefs are claimed against defendant no. 1. Hence permission granted to withdraw def. no. 1 from MARJI Application.

 25/2/2020
Judge

2010. The said suit was dismissed for default on 19.06.2013.

2) I am making this application to permit the Applicants to withdraw the above Marji Application against the Defendant No. 1 due to no reliefs sought against him as per legal advise.

3) I say that the Defendant No. 2 had deposited the amount of arrears of rent in respect of suit premises. the Defendant No. 2 through out contested the R.A.E. & R. Suit No. 70/96 of 2010 which was dismissed for default.

4) I hereby pray to this Hon'ble Court.

(a) That the Applicants be permitted to withdraw the above Marji Application against the Defendant No. 1 due to no relief sought against him;

(b) That the above Marji Application be heard on merits between the Applicants and the Defendant No. 2.

(c) That any other order in the nature and circumstances of the case be granted in the interest of justice.

J. Shabbir

Advocate for Applicants

Mohd Intiyaz
Applicant No. 3

Say of Defendant no. 2.

- (1) The Application is not maintainable
- (2) The Applicants were not party to the proceedings. The Marji Application and this application be ordered to be served on Defendant No. 1.
- (3) The Applicants can not be permitted to withdraw the Marji Application against Defendant No. 1 only.
- (4) The Applicants have not stated under which provision of law the Marji Application is made and how they can seek withdrawal only against Defendant No. 1.
- (5) The Application be dismissed with costs.

T. Patel

Advocate for Defendant No. 2

VERIFICATION

I, Mohammed Imtiyaz s/o Mohamed Shafi Qureshi, aged about 40 years, the Applicant No. 3 hereinabove, do hereby solemnly declare and state that what is stated hereinabove by way of THE Applicant No.3's application to withdraw the above Marji Application against Defendant No. 1 are true and correct as per legal advise which I believe to be true and correct.

Solemnly Declared at Mumbai,)

This ____ day of April, 2019)

M. Imtiyaz

Applicant No. 3

Identified by me,

J P Akbar

Advocate for Applicants

Solemnly affirmed before me by
Mohd Imtiyaz mohd Shafi Qureshi
who is identified before me by ex you
Adhar - 3035 0518 2050
whose details are as follows

This 8th April 2019

(JCT/18/10/19)
Small Cause Court
Member
(S.S. Nayak)
T&L