



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12940 OF 2025

Abdulla Habib Balwa & Anr. ... PETITIONERS

: VERSUS :

Smita Nitin Gandhi & Ors. ... RESPONDENTS

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**Mr. Vishal Kanade** with Ms. Tanaya Patankar i/b. Mr. Salik Khan,  
*for the Petitioners.*

**Mr. Shanay Shah** a/w. Mr. Ativ Patel, Ms. Viloma Shah, Mr. Harshad  
Vyas and Mr. Viraj Raiyani i/b. M/s. AVP Partners, *for the Respondents.*

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**CORAM : SANDEEP V. MARNE, J.**

**DATED : 17 APRIL 2026.**

**P.C :**

1) Mr. Kanade, the learned counsel appearing for the Petitioners, on instructions seeks leave of the Court to withdraw the petition. He however seeks a clarification that abatement of R.A.E. & R. Suit No. 1176 of 2021 shall not come in the way of Plaintiffs instituting a fresh suit for ejection of occupants, including Defendant Nos.3 and 4 from the suit premises.

2) The Writ Petition is accordingly permitted to be withdrawn and disposed of. It is clarified that abatement of R.A.E. & R. Suit No.



1176 of 2021 shall not come in the way of Plaintiffs instituting a fresh suit for ejection of occupants, including Defendant Nos.3 and 4 from the suit premises.

3) All contentions of the parties, on merits are expressly kept open.

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**[SANDEEP V. MARNE, J.]**