

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**APEAL FROM ORDER NO. 38 OF 2015
WITH
CA/1823/2015 IN AO/38/2015**

GULABBHAI BABUBHAI JAHAGIRDAR AND OTHERS
VERSUS
USMAN BABUBHAI @ BABULAL SHAIKH AND OTHERS

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Mr.A.M.Gholap, advocate for appellants

Mr.R.R.Karpe, advocate for respondent nos.1 to 4

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CORAM : M.T. JOSHI, J.

DATE : APRIL 28, 2015

PER COURT :

Heard.

2] Mr.Gholap, learned counsel for the appellants, on instructions, submits that the appellants wish to withdraw the present appeal, however, liberty to file an application under Order 7 Rule 11 of the Code of Civil Procedure, may be granted to the present appellant. He further prays that considering the fact that the injunction would be running against the present appellants, learned trial Judge may be directed to decide the said application within a period of three months from the date of filing of the application; and in

case, said application could not be decided within three months, then, the present appellants, may be allowed to file application for variation of the order of grant of temporary injunction in the same court.

3] The submissions of Mr.Gholap appears to be reasonable.

4] In the circumstances, present Appeal from Order stands disposed of as withdrawn without any order as to costs, with a direction to the learned trial Judge, as prayed above.

5] In view of disposal of the Appeal from Order, Civil Application does not survive and stands disposed of.

[M.T. JOSHI, J.]

kbp