

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

SECOND APPEAL NO.476/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Chandrakant N. Chavan with Manoj Mane for the Appellant

Ms. Anuprita Nalawade, AGP for the Respondent.

CORAM : K. K. TATED, J.

DATE : SEPTEMBER 22, 2015

P.C.:

1. Heard. By this appeal, the Plaintiff challenges the concurrent findings of facts recorded by the courts below holding that the Civil Court has no jurisdiction to entertain the suit filed by the Plaintiff in view of section 36-A of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

2. The learned counsel for the Appellant submits that the Respondent State filed their written statement dated 26/10/2005, wherein, in paragraph 6, they admitted that the Appellant Plaintiff filed Application dated 23/07/1996 and same is pending for hearing and final disposal on merits. He submits that direction may be issued to

the State Government to decide their Application dated 23/07/1996 as early as possible.

3. The learned counsel for the Appellant Plaintiff submits that they received instructions from his client to withdraw the Second Appeal.

4. Considering the submissions made by the learned counsel for the Appellant following order is passed:

- a. Second Appeal is dismissed as withdrawn.
- b. No order as to costs.
- c. The Respondent State of Maharashtra is directed to decide the Application filed by the Plaintiff dated 23/07/1996 as early as possible but in any case within 9 months from the date of receipt of a copy of this order.

JUDGE

CERTIFICATE

Certified to be true and correct copy of the original signed order.