

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

**APPEAL FROM ORDER NO. 71 OF 2015
WITH
CIVIL APPLICATION NO. 87 OF 2015**

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. S. K. Jain with Heman Mehta i/b Mehta & Co. for the appellant.

Mr. A.R. Mishra for the respondent no.1.

Mr. S.D. Patil for respondent nos. 4 and 5.

Mr. Surya Abhishekh i/b I.C. Legal for respondent no.2.

CORAM : K. K. TATED, J.

DATED : 16/07/2015.

PC.:

. Heard learned Counsel for the parties.

2 This Appeal from Order is preferred by defendant nos. 2 to 8 challenging the order dated 16.12.2014 passed by the Bombay City Civil Court, Mumbai in Notice of Motion no. 18 of 2015 in L.C. Suit No. 2978 of 2014 restraining appellant from carrying out any further construction on plot no. C-6 of CTS No. 104/5.

3 The learned counsel for the appellant submits that they already filed their Affidavit-in-Reply in Notice of Motion no. 18 of 2015. He further submits

that he received instructions from his client that they do not want to press the present Appeal from Order. He submits that hearing of the Notice of Motion be expedited.

4 Considering the submissions made by the learned counsel for the appellant and as the motion is ready for the hearing, the following order is passed:

ORDER

- a) Appeal from Order stands dismissed as withdrawn.
- b) Liberty granted to the plaintiff to file their rejoinder, if any, in Notice of Motion within two weeks from today and serve copy on other side.
- c) The hearing of Notice of Motion is expedited.
- d) This Court expects from the Trial Court to dispose off finally Notice of Motion no. 18 of 2015 as early as possible, but in any case on or before 30.09.2015.
- e) In view of withdrawal of Appeal from Order, nothing survives in the Civil Application. Hence, Civil Application stands dismissed as infructuous.

(K.K.TATED, J.)