

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.449 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.Jitendra Shah for the appellant

Mr.Chirag Balsara with Mr.Dipen Furia i/b M/s.Shah & Furia Associates for the respondent nos.3 to 6

Mr.Amol Diwate for the BMC

CORAM : K.K.TATED, J.

DATED : 06/07/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This Appeal from Order is preferred by plaintiff challenging the order dated 18.2.2015 passed by Bombay City Civil Court at Bombay declining to grant ad-interim relief.
- 3 The learned counsel for the plaintiff submits that till today the respondent Corporation has not filed their affidavit in reply in Notice of Motion No.783 of 2015.
- 4 The learned counsel for the respondent Corporation submits that they will file their

affidavit in reply in Notice of Motion No.783 of 2015 within four weeks from today and serve copy on the other side. Respondent nos.3 to 6 also submit that they will file their affidavit in reply within four weeks from today and serve copy on the other side.

5 On the basis of submission made by the learned counsel for the respondent Corporation, advocate for the appellant plaintiff seeks liberty to withdraw the present Appeal from Order. Same is allowed.

6 Appeal from Order stands dismissed as withdrawn.

7 Considering the facts and circumstances of the present case, hearing of Notice of Motion No.783 of 2015 is expedited.

(K.K.TATED, J.)