

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

**APPEAL FROM ORDER (ST). NO.9192 OF 2015
WITH
CIVIL APPLICATION (ST). NO.9194 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.Amarendra Mishra for the appellant

Mr.G.S.Godbole i/b M/s.S.Shamim and Co. for
the respondent no.2

Mrs.M.R.Bhoir for the BMC

CORAM : K.K.TATED, J.
DATED : 23/04/2015

PC:

1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.

2 By this Appeal from Order the appellant plaintiff challenges the order dated 9.3.2015 passed by Trial Court declining to grant ad-interim relief in draft Notice of Motion in L.C.Suit No.560 of 2015.

3 The learned counsel for the appellant submits that the plaintiff may be permitted to move before the Trial Court for ad-interim relief after serving all the defendants.

4 Considering the submissions made by the learned counsel for appellant, in the interest of Justice, following order is passed:

a Appellant plaintiff is permitted to withdraw the present Appeal from Order as well as Civil Application with liberty to move before the Trial Court for ad-interim relief after service on respondent defendants.

b The learned counsel for the respondent no.2 waives service in Notice of Motion No.740 of 2015 in L.C.Suit No.560 of 2015.

c Appeal from Order is disposed of accordingly.

d In view thereof, Civil Application does not survive. The same is also dismissed as infructuous.

(K.K.TATED, J.)