

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

**APPEAL FROM ORDER NO.560 OF 2015
WITH
CIVIL APPLICATION NO. 703 OF 2015 IN AO/560/2015**

1. Mrs. Rajeshwari Kaushik ..Appellant
Patel

Vs

1. Mr. Ajay Manubhai Patel and .. Respondents
Ors

Mr. Chirag Shah a/w Mr Rushil Mehta i/b J.J.Shah, Advocate for Appellant.
Mr. Nikhil Chavan , respondent no.5-present in-person.
Ms. Foram Chavan, respondent no.6-present in -person.

CORAM : R.G.KETKAR,J.

DATE : 06/05/2015

PC:

1. As the regular Court presided over by Honourable Mr. Justice K.K.Tated is not available, as per Administrative order passed by Honourable Chief Justice, this matter is placed before me.

1. Heard Mr. Chirag Shah, learned counsel for the appellant, Mr.Nikhil Chauhan, respondent no.5-in-person and Ms.Foram Chauhan, respondent no.6- in-person.

2. After arguing Appeal for quite some, Mr. Shah seeks permission to withdraw this Appeal as also Notice of Motion No.2851 of 2014 with liberty to take out fresh Motion within a period of one week from today. He assures that he will serve

copy of fresh Motion three days in advance on respondents no.5 and 6 before moving City Civil Court for ad-interim order. Assurance of Mr. Shah is recorded.

3. In view thereof, Appeal from Order is allowed to be withdrawn with liberty as prayed for.

4. It is made clear that I have not expressed any opinion on the merits of the case. All the contentions of the parties are expressly kept open. It is also made clear that pendency of the proceedings in City Civil Court will not come in the way of criminal proceedings instituted in the Court of Metropolitan Magistrate.

5. In view of disposal of the Appeal, Civil Application No.703 of 2015 for stay does not survive and the same is disposed of. Order accordingly.

(R.G.KETKAR, J.)