

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

**APPEAL FROM ORDER (ST) NO.10607 OF 2015
WITH
CIVIL APPLICATION (ST) NO.10609 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.Yadunath Choudhari i/b Mr.Hasan Ullah Khan for the appellant

Mr.Y.K.Tiwari for the respondent no.1

CORAM : K.K.TATED, J.
DATED : 20/04/2015

PC:

- 1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.
- 2 This Appeal from Order is filed by plaintiff challenging the order dated 13.1.15 passed by Bombay City Civil Court at Bombay in Notice of Motion No.2077 of 2013 in S.C.Suit No.4116 of 2008.
- 3 The learned counsel for the appellant submits that appellant has no objection to comply the order passed by Trial Court dated 13.1.2015 as it is, except that the sum of Rs.10,000/- be treated as without prejudice to the rights and contentions in pending suit.

4 The learned counsel for the respondent defendant submits that they have no objection if Appeal from Order is disposed of by consent. Hence, following order:

- a) It is clarified that amount of Rs.10,000/- be deposited by the plaintiff as per order dated 13.1.2015 passed by Bombay City Civil Court, Mumbai in Notice of Motion No.2077 of 2013 without prejudice to the rights and contentions in S.C.Suit No. 4116 of 2008.
- b) Rest of the order of Trial Court remains as it is.
- c) Appeal from Order is disposed of accordingly.
- d) In view thereof, Civil Application does not survive. Same is also dismissed as infructuous.

(K.K.TATED, J.)