

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

**APPEAL FROM ORDER NO.553 OF 2015
WITH
CIVIL APPLICATION NO.694 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.S.M.Kazi for the appellant

Mr.Awadesh Pandey for the respondent

Mrs.Razia Usman Sheikh, respondent, present in court

CORAM : K.K.TATED, J.

DATED : 22/07/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This Appeal from Order is preferred by plaintiff challenging the order dated 9.3.2015 passed by Bombay City Civil Court, Mumbai in Notice of Motion No.2975 of 2012 in S.C.Suit No.4372 of 2012 declining to grant any interim relief for appointment of Court Receiver as per Order XL Rule 1 of the Code of Civil Procedure, 1908 and for injunction restraining respondent defendant from creating third party right, title and interest in respect of the suit premises i.e. Room No.24 situated on 1st Floor at Amtee properties,

Chawl No.4, Dr.E.Moses Road, Worli, Mumbai 400 018.

3 The learned counsel for the respondent defendant after taking instruction from his client makes a statement that defendant does not want to create any third party right, title and interest in respect of the suit premises till the hearing and final disposal of the S.C.Suit No.4372 of 2012. To that effect the defendant filed her undertaking with affidavit dated 21.7.2015. Same is taken on record and marked 'X' for identification.

4 The learned counsel for the respondent defendant submits that defendant is present in court. Her presence is recorded. Her undertaking is accepted.

5 The learned counsel for the appellant plaintiff submits that in view of the undertaking given by the respondent defendant, they do not want to press the present Appeal from Order. He seeks liberty to withdraw the same. Same is granted. Hence, following order:

- 1) Appeal from Order as well as Civil Application stand dismissed as withdrawn.
- 2) Undertaking given by the respondent defendant dated 21.7.2015 is accepted.

(K.K.TATED, J.)