

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

**APPEAL FROM ORDER NO.512 OF 2014
WITH
CIVIL APPLICATION NO.599 OF 2014**

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. Chirag Shah i/by J.J.Shah for the appellant.

Mr. B.P. Parikh for the respondents.

CORAM : K.K.TATED, J.
DATED : 14th JANUARY, 2015

PC:

1 Heard learned counsel for the parties.

2 Mr. Parikh, advocate appearing on behalf of the respondents/Original defendants states that as per their settlement, they handed over 2 Demand Drafts of Rs.30 and 31 lakhs dated 14.1.2015 to the appellant towards full and final settlement. He further submits that the respondents undertake that those DDs will be encashed by bank if they are deposited for encashment.

3 On receipt of those two Demand Drafts , advocate appearing on behalf of the appellant after taking instructions from the appellant, who is present in the Court makes a statement that they are ready and willing to withdraw Special Civil Suit No.1843 of 2013 unconditionally. He further makes a statement that within three days from today, he will file application before the trial Court stating that the matter is settled out of the Court and that the appellant does not want to proceed further with the Special Civil Suit No.1843 of 2013. In view of this statement, learned counsel for the appellant, on instructions from the appellant, who is present in the Court seeks leave to withdraw appeal. Leave granted.

4 Appeal from order stands dismissed as withdrawn.

5 In view of the withdrawal of the appeal from order, nothing survives in the civil application therein and same is dismissed as infructuous.

(K.K.TATED, J.)