

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

**APPEAL FROM ORDER (ST) NO.13029 OF 2015
WITH
CIVIL APPLICATION (ST) NO. 13031 OF 2015 IN
AOST/13029/2015**

1. Mr.Devidas Nathhu Vanjari ..Appellant

Vs

1. The Municipal Corporation
of Greater Mumbai. .. Respondent

Mr.S.P.Srivastava , Advocate for Appellant.
Mr. A.K.Nandankar, Advocate for Respondent.

CORAM : R.G.KETKAR,J.
DATE : 07/05/2015

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.
2. Not on Board. At the request of Mr. Srivastava, taken up in production Board.
3. Heard Mr. S.P. Srivastava, learned counsel for the appellant and Mr A.K.Nandankar, learned counsel for the respondent.
4. By this Appeal, original plaintiff has challenged the order dated 29.4.2015 passed by the learned Ad-hoc Civil Judge of the City Civil & Sessions Court, Borivali Division,

Dindoshi, Mumbai in Draft Notice of Motion .. of 2015 in L.C.Suit No.1214 of 2014. By that order, the learned trial Judge has refused ad-interim relief.

5. After arguing Appeal for some time, Mr. Srivastava seeks permission to withdraw this Appeal from order. He submits that he will take out appropriate proceedings before the learned trial Judge for disposal of Motion in a time bound manner. Mr. A.K.Nandankar has no objection.

6. In view thereof, Appeal from Order is allowed to be withdrawn. In case the appellant-original plaintiff takes out application for disposal of the Motion in a time bound manner, the learned trial Judge will pass appropriate order on such application. The Appeal from Order is allowed to be withdrawn and is disposed of as such. In view of withdrawal of Appeal from Order, Civil Application (ST) No.13031 of 2015 for injunction does not survive and the same is disposed of.

(R.G.KETKAR, J.)