

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST.) NO.13307 OF 2015
WITH
CIVIL APPLICATION (ST.) NO.13308 OF 2015

Centralite Co-op. Hsg. Soc. Ltd.
through its Chairman S. B. Roza ... Appellant
Vs.
Pradeep Kumar Agarwal and others ... Respondents

Mr. Dilip Bodake for Appellant.
Mr. S. M. Sabrad for Respondents.

CORAM : R. G. KETKAR, J.
DATE : MAY 07, 2015

P.C. :

Not on Board. At the request of Mr. Bodake, taken up in the production Board.

2. As the regular Court presided over by Hon'ble Mr. Justice K. K. Tated is not available, as per the administrative order passed by the Hon'ble the Chief Justice, papers are produced before me.

3. Heard Mr. Bodake, learned Counsel for appellant and Mr. Sabrad, learned Counsel for respondents.

4. By this Appeal, the original defendant No.8 has challenged the order dated 23.04.2015 passed by the learned Joint Civil Judge, Senior Division, Panvel, below exhibit-65 in Special Civil Suit No.2 of 2015. By that order, the learned trial Judge extended the status-quo granted on 15.01.2015 till next date only. It is common ground between the parties that the next date of hearing is 17.06.2015.

5. After arguing the Appeal for some time, Mr. Bodake, upon taking instructions from the instructing Advocate, seeks permission to withdraw this Appeal with liberty to take out appropriate proceedings for clarification of order dated 23.04.2015.

6. In view thereof, on the motion made by Mr. Bodake, Appeal is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined the merits of the proposed application to be filed by defendant No.8 for clarification of the order dated 23.04.2015. All the contentions of the parties in that regard on merits are expressly kept open. Defendant No.8 is also at liberty to request the Court to decide the application in a time bound manner. If such request is made, the learned trial Judge will pass appropriate order in accordance with law. Order accordingly.

7. In view of the disposal of the Appeal from Order, nothing survives in Civil Application (St.) No.13308 of 2015 and the same is disposed of as such.

(R. G. KETKAR, J.)

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