

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**APPEAL FROM ORDER NO. 781 OF 2015
WITH
CIVIL APPLICATION NO. 946 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. D.B. Shukla i/b R. G. Choudhari for the appellant.

Mr. A.A.Mishra for the respondent.

CORAM : K. K. TATED, J.

DATED : 25/06/2015.

PC.:

. Not on board. At the request of Advocate for the appellant plaintiff, matter is taken on board for urgent orders.

2 Heard the learned counsel for the parties.

3 Advocate Mr. A.A. Mishra submits that he received instruction to appear on behalf of respondent defendant. He undertakes to file his vakalatnama within two weeks from today. Statement is accepted.

4 This Appeal from Order is preferred by plaintiff challenging the order dated 12.05.2015

passed by Bombay City Civil Court at Dindoshi in Notice of Motion no. 1300 of 2015 in S.C. Suit 1256 of 2015 declined to grant ad-interim relief.

5 The appellant plaintiff preferred Notice of Motion for restraining respondent defendant from creating any third party right, title and interest in respect of the HEG 12, in Shri. Ekdant Sahakari Grihnirman Sanstha, Postal Colony, Vakola Masjid, Santacruz (E), Mumbai – 400 053.

6 The learned counsel for the respondent defendants submits that he received instructions to make statement before this Court that respondents defendants will not create any third party right, title and interest in respect of the suit premises till the hearing and final disposal of S.C. Suit No. 1256 of 2015. Same is given in writing on Farad. Same is accepted.

7 In view of the statement made by the learned counsel for the defendants, the learned counsel for the plaintiffs seeks liberty to withdraw the present Appeal from Order. Same is granted.

8 Appeal from Order as well as Civil Application stand dismissed as withdrawn. No order as to costs.

9 The statement made by the learned counsel for the defendants to continue till the hearing and final disposal of S.C. Suit No. 1256 of 2015.

10 In view of statement made by the learned counsel for the respondent, nothing survives in the Notice of Motion no. 1300 of 2015 pending before the Bombay City Civil Court at Dindoshi. At the request of learned counsel for the appellant, same stands disposed off.

(K.K.TATED, J.)