

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

**CIVIL APPLICATION NO.4 OF 2014
IN
SECOND APPEAL NO.3 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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Ms.Smita Mane for the applicant

None for the respondent

CORAM : K.K.TATED, J.

DATED : 27/10/2015

PC:

- 1 Heard the learned counsel for the applicant.
- 2 None for the respondent though duly served.
- 3 This application is preferred by plaintiff for an order of injunction restraining the respondents original defendants from obstructing or disturbing plaintiff's peaceful possession of the suit property.
- 4 It is to be noted that advocate for the respondent defendant filed affidavit dated 14.9.2015 stating that during the pendency of the present Second Appeal they will not create any third party right, title and interest in respect of 300 sq.m. land forming part and parcel of the suit land namely Gut No.881/B situated at Pimpalgaon

(Khadki), Tal.Aambegaon, Dist.Pune.

5 The learned counsel for the applicant submits that in view of the statement made by the respondents defendants on solemn affirmation in paragraph 2 of the affidavit dated 14.9.2015, she does not want to press the present Civil Application. She may be allowed to withdraw the same. Hence, following order is passed:

- a) Statement made by the respondents defendants in affidavit dated 14.9.2015, particularly in paragraph 2, is accepted.
- b) Civil Application stands dismissed as withdrawn.
- c) No order as to costs.

(K.K.TATED, J.)