

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.
APPEAL FROM ORDER NO.1081 OF 2014
WITH
CIVIL APPLICATION NO.1307 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. Laxman R. Shahpur for the appellant.
Mr. Kishore Joshi i/b Corps legal for respondent
no.1.

**CORAM : K. K. TATED, J.
DATED : 13/08/2015.**

PC.:

1. By this Appeal from Order the appellant -plaintiff challenges the order dated 23/09/2014 passed by the Bombay City Civil Court declining to continue the statement made by the defendant on 22/08/2013.
2. The learned Counsel appearing on behalf of respondent no.2 has filed an undertaking stating that they shall not part with the flat being permanent alternate accommodation in the redeveloped building till the hearing and final disposal of the Notice of Motion. The same is taken on record and marked Exhibit-'X'.

3. In view of the undertaking given by respondent no.2, the learned Counsel appearing on behalf of the plaintiff is permitted to withdraw the Appeal from Order.

4. In view of the above, the following order is passed:

(1) The undertaking filed by respondent no.2 is accepted.

(2) Appeal from order as well as the Civil Application is dismissed as withdrawn. No order as to costs.

(3) Liberty to the parties to make appropriate application before the Trial Court for early hearing of the Notice of Motion. The Trial Court to consider the same on merits.

(K.K.TATED, J.)