

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

**APPEAL FROM ORDER NO.1275 OF 2013
WITH
CIVIL APPLICATION NO.1524 OF 2013**

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.R.S.Apte, Sr.Counsel i/b Mr.S.C.Wakankar
for the appellant

None for the respondent

CORAM : K.K.TATED, J.
DATED : 27/07/2015

PC:

- 1 Heard the learned Senior counsel for the appellant.
- 2 Though respondents are served, no one appeared on behalf of them when the matter was called out.
- 3 This Appeal from Order is preferred by plaintiff challenging the order dated 28.10.2013 passed by Trial Court in rejecting plaintiff's application under Order 39 Rule 1 and 2 of the Civil Procedure Code, 1908 for grant of temporary and mandatory injunctions restraining defendants from causing obstruction and closing the access road and from obstructing easementary rights of

the plaintiff over the suit property.

4 Without going into the merits of the matter, by consent of the learned Senior Counsel for the appellant, following order is passed:

- a) Appellant is permitted to withdraw Appeal from Order as well as Civil Application.
- b) Same are dismissed as withdrawn.
- c) Hearing of Special Civil Suit No. 495 of 2013 is expedited.
- d) This court expects from the Trial Court to decide Special Civil Suit No. 495 of 2013 as early as possible but in any case on or before 31.3.2016 without influencing the earlier order dated 28.10.2013 below Exhibit 5 & Exhibit 30.

(K.K.TATED, J.)