

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

**CIVIL APPLICATION NO.553 OF 2014
IN
FIRST APPEAL NO.874 OF 2003**

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.N.R.Gandhi for the applicant

Mr.Manoj Kumar Upadhyay for the appellant

**CORAM : K.K.TATED, J.
DATED : 27/03/2015**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by subsequent purchaser of the suit property for joining them as party respondent in the present First Appeal.
- 3 The learned counsel for the original appellant submits that the applicant preferred Chamber Summons No.969 of 2010 in S.C.Suit No.1939 of 1974 in Trial Court for joining them as plaintiff by deleting the name of original plaintiffs. He submits that in view of pendency of the Chamber Summons No.969 of 2010 applicants are not entitled any relief in the present Civil Application.

4 The learned counsel for the applicant submits that in view of the fact that Chamber Summons No.969 of 2010 is pending in the Trial Court, applicant seeks permission to withdraw the present Civil Application and file a fresh for same cause of action as and when Chamber Summons No.969 of 2010 is decided by the Trial Court. Same is allowed.

5 Civil Application stands dismissed as withdrawn with liberty as prayed.

(K.K.TATED, J.)