

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST NO.5 OF 2016
WITH
CIVIL APPLICATION ST NO.6 OF 2016**

Rajesh Dyeing & Printing Works

..Appellant

Vs.

**The Brihanmumbai Electric Supply
& Transport Undertaking & Ors.**

..Respondents

Mr. S. D. Patil i/b Mr. C. Y. Shah for the Appellant / Applicant

Mr. Rahul Singh i/b M. V. Kini & Co. for the Respondent No.1

Mrs. Poonam Bhosale AGP for the Respondent No.3

CORAM : R. M. SAVANT, J.

DATE : 23rd JUNE, 2016

P.C.

1 The Learned Counsel appearing on behalf of the Appellant Mr. S.D.Patil seeks withdrawal of the above Appeal From Order as also the Suit filed in the City Civil Court, Mumbai to prosecute the remedy by way of Writ Petition to challenge the acquisition proceedings in view of the instructions pursis dated 26-3-2016 addressed to the Advocate on record for the Appellant by the partner of the Appellant who is personally present in court. The Learned Counsel further states that for a period of two weeks from date the Respondents herein may be directed not to take possession of the acquired property.

2 In view of the said statement made by the Learned Counsel Mr. Patil, the above Appeal From Order is accordingly allowed to be withdrawn and dismissed as such. The Civil Application filed therein would not survive and would also stand disposed of. In terms of the said pursis the Suit is also allowed to be withdrawn for the purposes of which the Appellant may approach the Trial Court within one week from date. The Trial Court however, to note that in the said pursis dated 26-3-2016 the Appellant i.e. the original Plaintiff has agreed to withdraw the Suit.

3 To facilitate the Appellant to raise a challenge to the acquisition proceedings the SLAO is directed not to take possession for a period of two weeks. The pursis dated 26-3-2016 is taken on record and marked as “X” for identification.

4 The parties to act upon an ordinary copy of this order duly authenticated by the Court Shirestedar.

[R.M.SAVANT, J]