

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

**APPEAL FROM ORDER STAMP NO.524 OF 2016
WITH
CIVIL APPLICATION STAMP NO.526 OF 2016**

**Govind Marbles : Appellant/Applicant
versus
The Brihanmumbai Electric Supply &
Transport Undertaking and ors. : Respondents.**

**ALONG WITH
APPEAL FROM ORDER STAMP NO.527 OF 2016
WITH
CIVIL APPLICATION STAMP NO.528 OF 2016**

**New Stanpack Industries : Appellant/Applicant.
Versus
The Brihanmumbai Electric Supply &
Transport Undertaking and ors. : Respondents.**

**Mr. O K Shaikh for the Appellant/Applicant.
Ms. Kavita Anchan i/by M V Kini & Co. for the Respondent No.1.
Mr. A R Patil, AGP for the Respondent No.3.**

**CORAM : R. M. SAVANT, J.
DATE : 30th June 2016**

P.C.

1 Not on board. Mentioned for withdrawal.

2 The learned counsel appearing for the Appellants in the above Appeals from Order seeks withdrawal of the above Appeals from Order as also seeks withdrawal of the Suits filed in the City Civil Court, Greater Mumbai to prosecute the remedy by way of Writ Petitions to challenge the acquisition

proceedings. This is in terms of the written instructions of the partner of M/s. Govinda Marbles Shri Jeetendra Verma in Appeal from Order Stamp No.524 of 2016 and the Proprietor of M/s. New Stanpack Industries Shri K M John in Appeal from Order Stamp No.527 of 2016 which have been given vide letters both dated 30/06/2016 to the learned counsel for the Appellants. The said partner and the proprietor of the Appellants are also present in Court.

3 The learned counsel for the Appellants states that the Respondents be directed not to take possession for a period of two weeks from date so as to facilitate filing of the Writ Petitions.

4 In view of the aforesaid statement made by the learned counsel for the Appellants Shr O K Shaikh the above Appeals from Order are accordingly allowed to be withdrawn and dismissed as such. In view of the withdrawal of the above Appeals from Order, Civil Application Stamp Nos.526 of 2016 and 528 of 2016 do not survive and the same to accordingly stand disposed of as such.

5 In view of the written letters given by the Appellants, the Suits are also allowed to be withdrawn for the purposes of which the Appellants/original Plaintiffs may approach the Trial Court within one week from date. The Trial Court however to note that in the said purshis dated 30/06/2016 both the

Appellants have agreed to withdraw the Suits to facilitate the filing of the Writ Petitions to raise a challenge to the acquisition proceedings. The two letters dated 30/06/2016 are taken on record and marked as “X” and “Y” for identification.

6 The concerned Special Land Acquisition Officer not to take possession of the acquired lands in question for a period of two weeks from date.

7 All concerned parties to act upon an ordinary copy of the instant Order duly authenticated by the Court Associates/Sheristedar.

[R.M.SAVANT, J]