

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.116 OF 2016**

Vivek Enclave Cooperative
Housing Society Ltd

..Applicant

Vs

Prajapita Brahma Kumaris
Ishwarya Vishwa Vidyalaya and
Anr.

.. Respondents

Ms. Sumedha Rao, Advocate for Applicant.
Mr. S.U.Kamdar, Senior Advocate a/w Helina Desai i/b Wadia
Ghandy & Co. for Respondent no.1.

**CORAM : R.G.KETKAR,J.
DATE : 26/04/2016**

PC:

1. Heard Ms.Sumedha Rao, learned counsel for the applicant and Mr. S.U.Kamdar, learned senior counsel for respondent no.1 at length.
2. By this Application under Section 115 of C.P.C., the applicant has challenged the Judgment and Award dated 27.1.2016 passed by the learned Judge of the 3rd Cooperative Court, Mumbai in Dispute filed under section 91 of the Maharashtra Cooperative Societies Act, 1960. By that order, the learned trial Judge partly allowed the dispute filed by respondent no.1.
3. After arguing Application for quite some time, Ms. Rao seeks permission to withdraw this Application with liberty to file

Appeal challenging the Award. As the applicant has an equally efficacious alternate statutory remedy by way of appeal, Application is permitted to be withdrawn with liberty as prayed for. It is made clear that I have not examined merits of the case. All contentions of the parties are expressly kept open. Order accordingly.

(R.G.KETKAR, J.)