

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.230 OF 2015

Sharad Rajaram Jagtap .. Appellant
vs
Reliance Energy & anr ..Respondents

Mr.W.R.Khan, for the Appellant.

None for Respondents.

CORAM: G.S.KULKARNI, J.

DATE : 20TH APRIL 2016.

P. C.

Not on Board. Taken on Board.

1. By this appeal, the appellant challenges the order dated 6th January, 2015 passed by the learned Judge, City Civil Court, at Bombay whereby notice of motion no.4350 of 2014 filed by the appellant in Suit No.3102 of 2014 has been dismissed. Grievance of the appellant in the notice of motion and the suit is in regard to an electricity connection to be availed from the respondents/defendants. The respondents had rejected the application as made by the appellant as the same was not complying with certain norms/requirements.

2. Learned counsel for the appellant submits that the application which was made for electricity connection and on which a grievance came to be made in the suit was for a residential user. However,

now learned counsel for the appellant has instructions from his client the appellant, who is also present in Court, to state that appellant is ready and willing to make an application to the respondents for an electricity connection for commercial user. Learned counsel for the appellant submits that in view of these instructions which are now received by him from his client, the appellant would not pursue the suit which is pending before the trial Court as also the present appeal and intends to withdraw the same. Suit No.3102 of 2014 is accordingly permitted to be withdrawn.

3. Accordingly appeal from order would also not survive and would accordingly stand disposed of.

4. A copy of this order be forwarded to the Registrar, City Civil Court at Bombay to be placed on record of the Suit.

5. Needless to observe that if any application for commercial user is made by the appellant, the same would be considered by the respondents on its own merits.

(G.S.Kulkarni, J.)