

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

APPEAL FROM ORDER NO. 367 OF 2016
WITH
CIVIL APPLICATION NO. 479 OF 2016
IN
APPEAL FROM ORDER NO. 367 OF 2016

Chhaya Co-op. Housing Society Ltd. ...Appellant

Versus

M/s. Rishabh Enterprises & Ors. ...Respondents

.....

Mr. Dharam Sharma a/w. Uma Sharma i/b Dharam & Co. for the Appellant.

None for the Respondents.

CORAM : G. S. KULKARNI, J.

DATE : 28th APRIL, 2016.

P. C. :

1. Not on board. Taken on board.
2. After the matter was heard for some time, Mr. Sharma, learned counsel for the appellant seeks leave to withdraw this appeal with liberty to approach the Trial Court to take out the Chamber Summons to implead the Municipal Corporation as party-defendant to the suit. He also submits that after the Corporation is impleaded as party-defendant, the appellant/plaintiff be permitted to either move the pending Notice of Motion or a fresh Notice of Motion for

urgent appropriate reliefs as the facts and circumstances of the case may require it necessary. The request of Mr. Sharma, learned counsel for the appellant is quite reasonable. The appellant is permitted to approach the Trial Court with aforementioned necessary applications. The learned Trial Court shall consider the applications on their own merits. All contentions of the parties are expressly kept open.

3. The Appeal from Order is disposed of as withdrawn.

4. As the Appeal from Order is disposed of, the Civil Application does not survive and the same is also disposed of.

(G. S. KULKARNI, J.)