

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO.548 OF 2016****ALONGWITH****CIVIL APPLICATION NO.706 OF 2016****Suresh Gianchand Kumar****..... Appellant****VERSUS****Sailesh J.Dawda****..... Respondent**

Mr.Vishal V.Kanade, i/b. Mr.Mohan B.Jadhav for the Appellant.

Mr.Roshan D'souza, a/w. Ms.Sonu Dube, i/b. J.Nishar & Co. for the Respondent.

CORAM : R.D. DHANUKA, J.**DATE : 7th OCTOBER, 2016****P.C.**

Mr.Kanade on instructions from his client who is present in court after arguing the matter at great length seeks liberty to withdraw this appeal unconditionally. In my view the appellant cannot be allowed to withdraw this appeal without payment of any cost.

2. The appeal is allowed to be withdrawn, however on payment of Rs.25,000/- which shall be paid by the appellant to the respondent within two weeks from today. The appellant shall produce the receipt of the payment of Rs.25,000/- before the Associate of this court within one week from the date of making payment.

3. In view of the withdrawal of the appeal, this civil application does not survive and is accordingly disposed of. No order as to costs.

(R.D.DHANUKA, J)