

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO.808 OF 2016****ALONGWITH****CIVIL APPLICATION NO. 1013 OF 2016****Balasaheb Bhairu/Bahiru Kad****..... Appellant****VERSUS****Avlon Group Pvt.Ltd. & Ors.****..... Respondents**

Mr.B.Deshmukh, i/b. Mr.Sudhir Sadavarte for the Appellant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.**DATE : 19th SEPTEMBER, 2016****P.C.**

This matter was argued at length by the learned counsel for the appellant on 14th September, 2016. The matter was adjourned to enable the learned advocate for the appellant to take instructions whether his client would withdraw the appeal from order. Learned counsel for the appellant states that the appellant be permitted to withdraw this appeal alongwith civil application and be granted liberty to make application for amendment of the plaint before the learned trial judge.

2. Appeal from order is dismissed as withdrawn with liberty to file an application for amendment of the plaint. It is made clear that this court has not expressed any views as to whether such application for amendment shall be allowed or not. If any such application is filed, the trial judge shall consider the said application on its own merits. In view of the withdrawal of the appeal from order, civil application does not survive and is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]