

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.735 OF 2016
along with
CIVIL APPLICATION (ST.) NO.31870 OF 2016**

Nancy Builders & Developers Pvt. Ltd. .. Appellant/Applicant

Vs.

Goel Ganga Developers Pvt. Ltd. .. Respondent

Mr.Sanjay Jain a/w Mr.Jainish Jain i/by M/s.LJ Law for the Appellant/
Applicant.

Mr.Surel Shah for the Respondent.

Mr.Atul Goel, Director of the respondent.

CORAM : R.D. DHANUKA, J.

DATE : 6th December 2016

P.C.

. Mr.Shah, learned counsel for the respondent, on instructions from the Director of the respondent who is present in Court, states that he has no objection if the impugned order passed by the learned trial Judge is set aside and the application (exhibit-81) is restored to file.

2. By consent of the parties, the order dated 4th July 2016 passed by the 7th Joint Civil Judge, Senior Division, Pune at exhibit-81 in Special Civil Suit NO.170 of 2014 is set aside. The application (exhibit-81) is restored to file. The application (exhibit-81) to be heard along with the application (exhibit-52). It is made clear that the applications will have to be heard first before evidence commences in the Special Civil Suit No.170 of 2014. The learned trial Judge shall make an endeavour to dispose of both the applications within eight weeks from today.

3. It is made clear that this Court has not expressed any views on merits of the matter in view of the consent of both the parties for remand of the application (exhibit-81).

4. Appeal from order is disposed of in aforesaid terms. In view of disposal of the appeal, civil application does not survive and is accordingly disposed of. No order as to costs.

5. Parties are directed to appear before the learned trial Judge on 9th December 2016.

R.D. DHANUKA, J.