

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO.1043 OF 2015****WITH****CIVIL APPLICATION NO.1280 OF 2015****CIVIL APPLICATION NO.1452 OF 2015**

Nawabulla Baribulla Pathan .. Appellant
(Org.Plaintiff)

Vs.

Rajan Narayn Chalke (Deceased) .. Respondent

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Mr. Uday P.Warunjikar i/b. Mr.Sachin K. Hande for the Appellant.

Mr.Shailendra B. Shetye for Respondent no. 7.

Ms.Dhanashri Mondkar Hule for Respondent no. 6.

Ms.Shriya S. Jadhav for Respondent nos. 2 to 5.

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CORAM : MRS.MRIDULA BHATKAR, J.

DATE : FEBRUARY 9, 2016.

P.C.:

1. When this appeal was filed at that time the appellant was under the impression that his application for interim relief in Civil Misc. Appeal No.11 of 2014 was rejected by order dated 5th August, 2015. At the relevant time order of the learned District Judge, Raigad, Alibag was not available and therefore by order dated 7th August, 2015 the learned Judge of this Court gave liberty to the appellant to place on record the impugned order as and when it would be available.

2. Learned Counsel pointed out this order dated 7th August, 2015 as from para 5(b) of this said order. He further pointed out the order which was received by the appellant subsequently in the operative portion of the said order the entire Miscellaneous Appeal was itself dismissed.

3. Learned Counsel Mr.Shetye for the respondent objects the continuation of the interim protection as substantial proceedings are already decided and this is a second round.

4. In view of these submission as the entire Miscellaneous Appeal is dismissed Appeal in Order no. 1043 of 2015 is dismissed first will not lie and therefore thus allowed to withdraw with liberty to file appropriate proceeding before the High Court.

5. The interim protection granted earlier is to continue till **29th February, 2016.**

(MRS.MRIDULA BHATKAR, J.)