

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

**APPEAL FROM ORDER NO. 1035 OF 2014
WITH
CIVIL APPLICATION NO. 1248 OF 2014**

Smt. Aruna Janardhan Kapse

..... Appellant

Versus

M/s Ambad Development Company
& Ors.

..... Respondents

Mr. Rajendra Pai a/w A. R. Pai and Ms. N. N. Thakkar, I/b Bina Pai,
for Appellant/Applicant.

P. S. Dani, Senior Advocate a/w Sham Walve, for Respondent No.
1.

***CORAM : N. M. Jamdar J.
Tuesday 26 July, 2016***

P. C.

. Heard learned Counsel for the parties.

2. The learned Counsel for the appellant submits that in view of the various statements in the plaint it was strictly not necessary to file the counter-claim. It is submitted that in any case the application for temporary injunction below Exh. 57 was not necessary to be filed. The learned Counsel for the appellant submitted that the appeal being in continuation of the proceedings,

the appellant can make a request for withdrawal of the application. The learned Counsel for the appellant accordingly seeks to withdraw the application filed below Exh. 57. The learned Counsel for the respondents has no objection. Accordingly, the application filed below Exh. 57 stands withdrawn.

3. In view of withdrawal of this application, the impugned order dated 7 July, 2014 passed in this appeal does not survive. The Appeal from Order is accordingly disposed of. The Civil Application stands disposed of.

(N. M. Jamdar, J.)