

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

**APPEAL FROM ORDER NO.1060 OF 2014
ALONGWITH
CIVIL APPLICATION NO.1281 OF 2014**

Maria Omar .. Appellant

Versus

Landmark Builders and others .. Respondents

Mr. Chetan Kapadia i/by Manilal Kher Ambalal & Co., for the Appellant.

CORAM : R.M. SAVANT, J.

DATE : 8th JUNE 2016

PC.

1. In the above Appeal from Order, the order dated 21.08.2014 passed by the Learned Judge of the City Civil Court, Greater Mumbai is challenged. By the said order, the Notice of Motion No.633 of 2014 filed by the Plaintiff i.e. the Respondent No.1 for restoration of the suit which was dismissed for default came to be allowed and the suit accordingly came to be restored. The Learned Counsel appearing on behalf of the Appellant considering the challenge raised in the above Appeal from Order seeks withdrawal of the Appeal from Order to adopt appropriate proceedings. The Appeal from Order is accordingly allowed to be withdrawn with liberty as prayed for.

2. In view of the withdrawal of the Appeal from Order, the Civil Application does not survive and to accordingly stand disposed of as such.

3. Needless to state that the contentions of the Appellant on merits have not been considered in the above Appeal from Order.

[R.M. SAVANT, J]