

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

**CIVIL APPLICATION NO.1218 OF 2016
IN
APPEAL FROM ORDER (L) NO.27305 OF 2016
WITH
CIVIL APPLICATION (L) NO.27308 OF 2016
IN
APPEAL FROM ORDER (L) NO.27305 OF 2016**

Teoma Infrastructure Private Limited & Ors. ...Applicants
vs.
Marve Enterprises & Anr. .Respondents.

Mr. Atul Damale, Senior Counsel i/b Dinesh B. R. Dadhich for the Applicants.

**CORAM: G.S.KULKARNI, J.
DATE: 28th NOVEMBER, 2016.**

P.C.:-

. Not on board. Taken on board on a praecipe as moved on behalf of the Applicants.

2. After the appeal was heard for some time Mr.Damale, learned counsel for the Appellants seeks leave to withdraw this appeal with liberty to prefer an appropriate application before the Trial Court in the pending suit seeking modification of the order dated 18/2/2016.

3. Applicants are at liberty to approach the Trial Court with request to take up hearing of the preliminary issue as to jurisdiction as framed in the impugned order. Considering the nature of the dispute learned Trial Court shall endeavour to dispose of the Application as early as possible preferably within a period of 4 months from today.

4. Accordingly, Appeal is allowed to be withdrawn and disposed of as such. All contentions of the parties on merits are kept open.

5. In view of disposal of the Appeal, Civil Application No.1218/2016 and Civil Application (L) No.27308/2016 do not survive and are accordingly disposed of.

(G.S.KULKARNI, J.)