

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.1125 OF 2014 with
CIVIL APPLICATION NO.1355 OF 2014***

Hiten Manilal Shah & ors

Appellants

vs

Kund Kund Nagar Coop Hsg Scty & ors .. Respondents

Mr.Mukesh Pabari for Appellant

Mr.A.R.Sharma for Respondent no.1

Mr.Suman Prasad a/w Mr.R.A.Shaikh for Respondent no.2

CORAM: G.S.KULKARNI, J

DATE : 19 DECEMBER 2016

P.C.

1. After this appeal was heard for sometime, learned counsel for the appellants and in my opinion, rightly seeks leave to withdraw this appeal with liberty to approach the trial Court with a request to expedite the hearing of the Suit.

2. Accordingly, Appeal is allowed to be withdrawn with liberty as prayed for. The learned trial Judge shall consider the application of the appellant/plaintiff for early hearing of the Suit on its own merits. All contention of the parties on merits of the matter are expressly kept open.

3. It is clarified that by the impugned order, the learned trial Judge has decided the Notice of Motion/Injunction Application as

moved on behalf of the appellant/plaintiff which was a draft Notice of Motion. If any fresh Notice of Motion/Application is preferred by the appellant disposal of the earlier Notice of Motion shall be taken into consideration by the learned trial judge.

{G.S.KULKARNI, J}