

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

**APPEAL FROM ORDER (L) NO.29491 OF 2016
WITH
CIVIL APPLICATION (L) NO.29492 OF 2016
IN
APPEAL FROM ORDER (L) NO.29491 OF 2016**

Shri Kafeel Ahmad Najeer Ahmad Majid ...Appellant

vs.

Shree Ganesh Vaishno Developer & Ors. ...Respondents

Mr. Vishal Kanade a/w Mr. Dharendra Dinesh Singh for the Appellant.

Mr. M. U. Pandey a/w Mr. Rakesh M. Pande, Mrs. M. S. Bhoir for BMC.

CORAM: G.S.KULKARNI, J.

DATE: 24th NOVEMBER, 2016.

P.C.:-

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

2. After the matter was heard for some time, Mr. Vishal Kanade, learned counsel for the Appellant fairly seeks leave to withdraw this Appeal. Appeal is accordingly disposed of as withdrawn.

3. Learned counsel for the Appellant also urged that the Trial Court be directed to expedite the hearing of the Notice of Motion. It would be appropriate for the Appellants to make such a request to the Trial Court, which the Trial Court may consider if the facts of the case so demand.

4. All contentions of the parties on merits are expressly kept open.

5. Appeal is accordingly disposed of as withdrawn. In view of disposal of the Appeal, Civil Application (L) No.29492/2016 does not survive.

(G.S.KULKARNI, J.)