

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

First Appeal (ST) NO. 29547 OF 2016

with

Civil Application No.4547 of 2016

Mr. Himmatlal Dansukhbhai Sanghavi And Anr. ...Appellants

Versus

Jammu & Kashmir Bank Ltd. And Ors. ...Respondents

Mr.PM.Shah with Mr.N.M.Dedhia & Ms.Mittal Savla, for the Appellants.

Mr.Bijai Vora i/b. Clove Legal, for Respondent No.1.

CORAM: G.S.KULKARNI, J.

DATE : 7 DECEMBER 2016

P.C.

1. Not on board taken on board on a praecipe as moved on behalf of the Appellants.

2. After the appeal was heard for some time, the learned Counsel for the Appellants seeks leave to withdraw this appeal with liberty to approach Debt Recovery Tribunal by filing appropriate proceedings within four weeks from today.

3. Learned Counsel for Respondent No.1 Bank on instructions states that for the said period of four weeks, Respondent No.1 shall not take any coercive action to dispossess the Appellants from the suit flat.

Statement is accepted.

4. The appeal is accordingly allowed to be withdrawn with liberty as prayed for and dismissed as such. All contentions of the parties on merits of the matter are expressly kept open.

5. Civil application would not survive and is accordingly disposed of.

{G.S.KULKARNI, J.)