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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.810 OF 2016
WITH
CVIL APPLICATION NO.1246 OF 2016

Eknath D. Ghorpade	...Appellant
V/s.	
Dnyandev K. Gurav & Ors.	...Respondents

Mr.Prashant Bhavake for the Appellant.

Mr.Chetan Patil for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 26TH OCTOBER, 2016.

P.C. :-

1. Mr.Bhavake, learned counsel appearing for the appellant, on instructions, seeks liberty to withdraw this appeal from order. The appeal from order is dismissed as withdrawn.

2. It is made clear that the observations made by the learned appellate Court in the impugned order dated 12th April, 2016 below Exhibit 47 in Regular Civil Appeal No.41 of 2008 are *prima-facie* observations. The first appellate Court shall not be influenced by such *prima-facie* observations while disposing of Regular Civil Appeal No.41 of 2008 and shall decide the same in accordance with law and on its own merits. Hearing of the Regular Civil Appeal No.41 of 2008

is expedited.

3. In view of the withdrawal of the appeal from order, Civil Application No.1246 of 2016 does not survive and is accordingly disposed of. No order as to costs.

4. The parties not to take any unnecessary adjournment before the first appellate Court and will proceed with the hearing expeditiously.

(R.D. DHANUKA, J.)