

*Sequeira*

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

***WRIT PETITION NO. 2131 OF 2016***

Pune Municipal Corporation. .. Petitioner  
Vs  
M/s.Rajdeep Builders Pvt. Ltd. .. Respondent

Mr.Vishwanath Patil, for the Petitioner.  
Mr.Surel Shah a/w Mr.Nachiket Khaladkar, for the Respondent.  
Mr.Gojare Dinkar Bhau – Executive Engg. Road Dept. PMC –  
present in Court.

***CORAM : N.M.Jamdar, J.  
Thursday, 27 October 2016.***

***P.C. :***

The learned counsel for the Municipal Corporation states that he has received written instructions that an appeal will be filed against the judgment and decree passed on 22 October 2013, in Special Civil Suit No.2555 of 2010. In view of this position since the Petitioner has chosen to file a substantive first appeal against the judgment and decree which is sought to be stayed through the proceedings from which the present petition arises it is not necessary to continue with the present petition. To enable the Petitioner to file substantive first appeal, the order passed on 18 December 2015 directing the Respondent not to withdraw the amount deposited by the Petitioner

will continue for a period of eight weeks from today. Further continuation will be on its own merits in the first appeal which is proposed to be filed. All contentions of the parties are kept open. Writ petition is disposed of as above.

*(N.M.Jamdar, J.)*