

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL (L.) NO.241 OF 2016
IN
NOTICE OF MOTION NO.1075 OF 2016
IN
SUIT NO.109 OF 2016**

Shri. Anil Mohan Jaokar ... Applicant
Versus
Mr. Jayant Subrao Divgi and Ors. ... Respondents

Mr. Girish Godbole i/by Ms. Sanjukta Dey for the Applicant.
Mr. Pankaj Kowli a/w Ms. Mayura Maru for the Respondent No.1.
Mr. M.S. Deshpande, Court Receiver is present.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 11th JULY, 2016

PC.

1 The learned counsel appearing for the Appellant has placed on record a letter dated 11th July, 2016 signed by the Appellant addressed to the Advocate on record for the Appellant. The letter is taken on record and marked 'X-1' for identification. The learned counsel appearing for the Appellant states that the Appellant is personally present in the Court.

2 The learned counsel appearing for the Appellant states that the Appellant desires to make appropriate application for appropriate

relief before the learned Single Judge as regards the subsequent orders dated 1st July, 2016 and 4th July, 2016. He submits that if the said application/applications are rejected by the learned Single Judge or if the Appellant is aggrieved by the orders passed by the learned Single Judge on such application/ applications, he may be granted liberty to challenge the order impugned in this Appeal while challenging the orders passed on the application/ applications proposed to be made by him.

3 The prayer made is reasonable which deserves to be granted. Needless to state that all objections of the original plaintiff to the proceedings which may be filed by the Appellant remain open.

4 Subject to what is observed above, the Appeal is disposed of as withdrawn with liberty as aforesaid. Pending Notice of Motion does not survive and the same is disposed of.

(A.A. SAYED, J)

(A.S. OKA, J)