

HON'BLE SRI JUSTICE A.V. SESA SAI

APPEAL SUIT No. 760 OF 2015

ORDER:

The appellant filed affidavit, dated 22.09.2016, praying to allow him to withdraw the appeal and O.S.No.132 of 2011. Learned counsel for the respondent represents no objection for the same. The relevant paragraphs of the said affidavit read as under:

“I submit that I filed appeal against the judgment and decree passed on 10.06.2015 in O.S.No.132 of 2011 and grounds may be read as part of this affidavit. The respondent filed O.S.No.99 of 2011 for declaration and injunction which pending now before District Court, Karimnagar, in respect of same land. The present appeal and suit filed is also in respect of same land. This appeal came up for hearing on 20.09.2016 on vacate petition. I want to withdraw the appeal and prayer is also mentioned in the grounds. This Hon'ble Court directed on 20.09.2016 to file an affidavit.

Therefore, it is prayed that this Hon'ble Court may be pleased to allow me to withdraw A.S.No.760 of 2015 and O.S.No.132 of 2011 by permitting to file relevant documents, necessary/relevant pleadings to my written statement in O.S.No.99 of 2011 pending before the District Court, without being influenced by observations made in the judgment passed in O.S.No.132 of 2011, dated 10.06.2015, and to lead evidence by both sides and pass such other order or orders as deemed fit in the interest of justice.”

In view of the above, the appeal and O.S.No.132 of 2011 are dismissed as withdrawn with liberty as sought for. Interim order, if any, stands vacated.

Miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

A.V. SESA SAI, J

Date: 28.09.2016
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