

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

**APPEAL FROM ORDER NO.55 OF 2017
WITH
CIVIL APPLICATION NO.77 OF 2017**

Sayed Ejaz Ibrahim

... Appellant

Vs.

Mohd. Shafiq Taukir Khan @

Mammu and others

... Respondents

Mr.Kezar Kharawala i/b Lex Juris for the Appellant

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 18, 2017**

P.C. :

1. An affidavit of service dated 11.9.2017 alongwith original courier acknowledgement and tracking report is filed. It shows that respondent Nos.1 to 4 and 6 are served and respondent No.5 has not accepted the notice.
2. In this Appeal from Order, the order of refusal of ad-interim relief dated 20.12.2016 in S.C. Suit (Stamp) No.14556 of 2016 is under challenge.
3. After hearing the learned Counsel for the appellant and after I have expressed that the order passed by the learned Judge is well reasoned, now, he wants to withdraw this Appeal from Order.

4. In view of this, Appeal from Order is allowed to be withdrawn and dismissed as such. Civil Application stands disposed of.

5. At this stage, the learned Counsel for the appellant submits that he has filed a Chamber Summons before the trial Court for amendment of the plaint in respect of the suit property and it is pending. In the circumstances, the trial Court may endeavour to complete the hearing of the Chamber Summons within two months.

(MRIDULA BHATKAR, J.)