

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL REVISION APPLICATION NO.134 OF 2017  
WITH  
CIVIL APPLICATION NO.80 OF 2017  
IN  
CIVIL REVISION APPLICATION NO.134 OF 2017**

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders. |
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Mr.Karl Tamboly, Advocate i/b. Ayush Agarwal i/b. Khaitan & Co. for Applicant.

Mr. Chetan Alai, Advocate a/w. Shruti Padsalgikar, Advocate for the Respondent.

CORAM : R. G. KETKAR, J.

DATE : 01/03/2017

**P.C.:**

1. Heard Mr.Karl Tamboly, learned Counsel for the applicant and Mr.Chetan Alai, learned Counsel for the respondent, at length.

2. By this application under Section 115 of C.P.C., the applicant, hereinafter referred to as the 'defendant', has challenged the judgment and order dated 8.12.2016 passed by the learned 7<sup>th</sup> Jt. Civil Judge, Senior Division, Pune below Exhibit-18 in Special Civil Suit No.757/2016. By that order, the learned trial Judge rejected the application made

by the defendant under Order VII Rule 11(a) & (d) of C.P.C. for rejection of the plaint.

3. After arguing the application for quite some time, Mr. Tamboly seeks permission to withdraw the application Exhibit-18. He submits that all contentions of the parties at interlocutory stage as also at final stage may be kept open. On the motion made by Mr. Tamboly, application Exhibit-18 is allowed to be withdrawn. All contentions of the parties in the pending proceedings are kept open. In view of disposal of Civil Revision Application, Civil Application No.80/2017 for stay of the impugned order does not survive and the same is disposed of. Order accordingly.

(R. G. KETKAR, J.)