

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

CIVIL APPLICATION NO.260 OF 2015
 IN
 APPEAL FROM ORDER NO.201 OF 2015

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Smt. Vimal Kisan Tapkir	Applicant
V/S	
Shri Maruti Patilbuva Tupe And Ors	Respondents

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Mr.Sudhir Vinayak Sadavarte for the Applicant.
 Mr.Ashutosh Kumbhakoni,Sr.Counsel i/by KRY Legal,for Respondent No. 7.
 Mr.Yakshay Chheda i/by ALMT Legal for Respondent No. 9.
 Mr.Tejas Dande with Mr.Akshay Tapkir and Mr.Niranjan Bhavke i/by Tejesh Dande And Associates for Respondents Nos.1 to 6.

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CORAM : A.A. SAYED, J.

DATED : 17 APRIL 2017

P.C.:

The above Civil Application is taken out pursuant to an order dated 31 August 2016 by which the liberty was granted to the learned Counsel for the Appellant to file an Application for withdrawing the statement made before the Court on 30 April 2015 insofar as Respondent No.7 is concerned. On 30 April 2015 the statement of the learned Counsel for the Appellant which was recorded by this Court was that the Appellant was not pressing the Appeal as against the Respondents Nos.7 and 8. The ad-interim relief granted by the Trial Court against Defendants Nos.1 to 6 therein was continued by this Court.

2. The statement of the learned Counsel for the Applicant in the present Civil Application is recorded that he is not pressing prayer clause (c) of the Civil Application.

3,. Bare perusal of the Application (Exh.173) before the Trial Court shows that reliefs in the said Application were sought only against the Defendants Nos.1 to 6 and 8. There was no relief sought in the said Application against the Respondent No.7.

4. In these circumstances, I do not find any consequence would ensue on the statement of the learned Counsel for the Applicant recorded by this Court on 30 April 2015 that the Applicant is not pressing the Appeal against the Respondent No.7, inasmuch as there was no relief sought against the Respondent No.7 in the Application (Exh.173) itself which was filed before the Trial Court. In the circumstances, no order needs to be passed in the present Civil Application. It is however clarified that the Applicant would be at liberty to file an Application seeking reliefs against the Respondent No.7 before the Trial Court, if so advised. All contentions of the parties in that regard are kept open.

5. Subject to the above, the Civil Application is disposed of.

(A.A. SAYED, J.)