

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 498 OF 2017
WITH
CIVIL APPLICATION NO. 637 OF 2017

Mirza Ali Askar (Incorrectly mentioned as	
Mirza Ali Asgar	...Appellant
<i>Versus</i>	
Mohammed Yaseen Abrar Husseion & Ors	...Respondents

Mr Rajesh Singh, for the Appellant/Applicant.
Mr Samir R Vaidya, for the Respondent No. 1.

CORAM: G.S. PATEL, J
DATED: 31st July 2017

PC:-

1. Since the appeal is against an ad-interim order and the Motion is as yet pending, Mr Singh seeks leave to withdraw the appeal. The Notice of Motion will be disposed of on its own merits uninfluenced by the ad-interim order.

2. The Trial Court is requested to dispose of the Notice of Motion at its earliest convenience.

3. If a jurisdictional objection is taken in the Notice of Motion, the Trial Court is requested to frame a preliminary issue under Section 9A of the Code of Civil Procedure and address it before disposal of the Motion in accordance with law.

(G. S. PATEL, J)