

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1000 OF 2016
WITH
CIVIL APPLICATION NO. 1259 OF 2016

Mrs. Leena M. Mehta

.. Appellant

vs.

Bharat Petroleum Corporation
Ltd. and anr.

.. Respondents

Mr. Rakesh D. Dave for the Appellant.

Mr. Ajay Khaire a/w. S. Pamecha i/b Law Point for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 17 FEBRUARY 2017.

P.C. :-

1] After the matter was heard for some time, learned counsel for the appellant on the basis of instructions from the appellant, seeks leave to withdraw this appeal, so as to pursue the notice of motion before the learned Trial Judge. Mr. Dave, learned counsel for the appellant, however, submits that learned Trial Judge may be directed to expeditiously dispose of the notice of motion.

2] The request of Mr. Dave is quite reasonable. Therefore, leave is granted to withdraw this appeal and the appeal is disposed of as withdrawn. Learned Trial Judge is directed to dispose of the main notice of motion, as expeditiously as possible and in any case within a period of six weeks from the production of an authenticated copy of this order.

3] Further, in disposing the notice of motion, learned Trial Judge need not be influenced by any of the observations made in the

impugned order dated 7 July 2016 or the circumstance that the appeal against such order has been withdrawn by the appellant. The notice of motion is to be disposed of, on its own merits and in accordance with law.

4] The appellant states that she shall file an affidavit-in-rejoinder within a period of one week from today.

5] The pending civil application in this appeal does not survive an the same is also disposed of.

6] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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