

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST NO. 30503 OF 2016
WITH
CIVIL APPLICATION NO. 1318 OF 2016

Flextough Metals Pvt Ltd, through Director ...Appellant
Sadashiv Alias Mehul D Pandey

Versus

Shumaila Mohammad Jowkar Alias Hazia ...Respondent

Mr Pranav Desai, i/b KD Shukla, for the Appellant.

CORAM: G.S. PATEL, J
DATED: 27th June 2017

PC:-

1. For the reasons set out in the Civil Application, the delay in filing the Appeal from Order is condoned.
2. After some arguments, the learned Advocate for the Appellant on instructions seeks leave to withdraw the Appeal.
3. The Appeal from Order is dismissed as withdrawn with no order as to costs.

4. He however points out that the Defendants have filed a separate Notice of Motion under Order VII Rule 11 of the Code of Civil Procedure, 1908 challenging the jurisdiction of the City Civil Court. It is clarified that that Notice of Motion will be decided on its own merits uninfluenced by the order of 30th July 2016 dismissing the Plaintiff's Notice of Motion.

5. The Trial Court is requested to give the Suit itself all possible priority regard being had to the existing part-heard and other commitments of the Court.

6. The Appeal from Order and the Civil Application are both disposed of in these terms with no order as to costs.

7. As regards the amount that was ordered to be paid to the Plaintiff, the statement is that no amount has been paid. Liberty to the Plaintiff to make an appropriate application before the Trial Court in this behalf.

(G. S. PATEL, J)