

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 425 OF 2017
WITH
CIVIL APPLICATION No. 547 OF 2017 IN A.O. No. 425 OF 2017

Adil Gulam Husain Attat
Prop. Pyramid Construction ... Appellant/Applicant
Vs.
Lata Vithalrao Gujar (Decd.)
through LRs Vithal Manohar Gujar (Decd.)
& Ors. ... Respondents

Mr. Vivek Vijay Salunkhe, Advocate for the appellant/applicant.
Mr. Ravi G. Shinde, Advocate for respondent nos. 2 and 3.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 30th October, 2017.

P.C.:

This Appeal from Order is directed against the order dated 18th November, 2016 passed by the Adhoc District Judge-1, Pune in Civil Appeal No. 604 of 2015 thereby refusing the interim injunction in favour of the appellant pending Appeal. The plaintiff is a proposed purchaser of the suit land, who has filed Special Civil Suit No. 263 of 2008 for specific performance of the contract in respect of the suit land admeasuring approximately 9 gunthas. During the pendency of the suit, the trial Court has granted interim protection in favour of the appellant that the defendant/landowner should not create third party right and should not dispose of the suit property. This interim

injunction continued till 21st September, 2015 on the day on which the suit was dismissed with cost by the judgment and order passed by the learned Joint Civil Judge, Senior Division, Pune.

2. After arguing the matter, the learned counsel for the appellant, after obtaining instructions from the appellant, seeks permission to withdraw the Appeal.

3. The learned counsel for the appellant is allowed to withdraw the Appeal from Order. However, I find it necessary to mention that this Court was about to dismiss the Appeal from Order.

4. Appeal from Order is dismissed as withdrawn.

5. In view of dismissal of Appeal from Order, Civil Application does not survive and the same is accordingly disposed of.

6. By consent, as both the parties are ready to go ahead with the Appeal, the learned Appellate Court is requested to endeavour to hear the Appeal and decide it till the end of December, 2017.

(MRIDULA BHATKAR, J.)