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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (St.) No. 201 OF 2018  
WITH  
CIVIL APPLICATION (St.) No. 202 OF 2018  
WITH  
CIVIL APPLICATION (St.) No. 203 OF 2018

Kirit M. Desai ... Appellant  
Vs.  
Pravin Mohanlal Desai & Anr. ... Respondents

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Mr. Firoz Bharucha a/w Deepan V. Dixit, for the Appellant.

Mr. Sunil Shukla a/w Swapnil Banger a/w Hemant Shukla, for the Respondents.

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CORAM : V. M. DESHPANDE, J.

DATE : JUNE 18, 2018

PC :-

1. Civil Application (St.) No. 202 of 2018 is taken out for condonation of delay of 268 days caused in filing the appeal. For the reasons stated in the civil application and since there is no objection of the Respondents, said delay is condoned, and civil application is allowed and disposed of in terms of prayer clause (a).

2. Appeal from order (St.) No. 201 of 18 is filed challenging the impugned order of Bombay City Civil Court passed in Notice of Motion No. 3791 of 2016 filed in Suit No. 1016 of 2016, dated 4<sup>th</sup>

April, 2017, by which the learned Judge has rejected the said notice of motion.

3. At the outset, learned counsel for the Appellant submits that he has to withdraw the present appeal as well as the civil application. He submits that the application touching to the point of jurisdiction of the Civil Court is pending before the said Court.

4. Learned counsel for the Respondent does not controvert the said submission of the Appellant about filing of the application to the effect that Civil Court has no jurisdiction.

5. In view of the submissions made by learned counsel for the Appellant, present appeal challenging the order dated 4.4.2017 alongwith civil application, is disposed of as withdrawn. All civil applications pending in the appeal shall stand disposed of.

6. The notice of motion / civil application challenging jurisdiction of the civil court, pending before the Bombay City Civil Court shall be decided by the said Court on its own merits and in accordance with law.

Sd/-  
[V. M. DESHPANDE, J.]

Vinayak Halemath