

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 29 OF 2014
WITH
CIVIL APPLICATION NO. 37 OF 2014**

M/s. Creation, a Partnership Firm ... Appellants

Versus

Natwarlal T. Dalal and others ... Respondents

.....

Mr. Raj Patel i/b Sanjay T. Manek for the Appellants.

Mr. M.B. Singh a/w Pooja Jalan i/b MBS & Co. for Respondent
Nos. 2 and 3.

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CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 19th JANUARY, 2018.

P.C.

1. The learned Counsel for the appellants submits that this Appeal From Order is filed against the judgment and order dated 6th December, 2013 thereby holding that the Civil Court has no jurisdiction to try and entertain the suit and the suit is between the licensee and licensor. He further submits that he wants to withdraw the Appeal From Order with liberty to file a suit before the Small Causes Court. He prays that the order of interim protection during the trial which was granted in their favour, be continued till they file the suit.

2. Learned Counsel for the respondents submits without prejudice that the interim order shall be continued for a period of four weeks only.
3. In view of the submissions made by the learned Counsel for the appellants, the Appeal From Order is allowed to be withdrawn with liberty to file a suit before the Small Causes Court.
4. The interim protection granted by the Trial Court in Short Cause Suit No. 1208 of 2007 as well as the protection granted by this Court by order dated 16th January, 2014 shall continue till 21st February, 2018.
5. The Appeal From Order is disposed of accordingly. In view of disposal of the Appeal From Order, pending Civil Application also stands disposed of.
6. All contentions are kept open.

(MRS. MRIDULA BHATKAR, J.)