

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

**APPEAL FROM ORDER NO. 914 OF 2015
WITH
CIVIL APPLICATION NO. 1114 OF 2015
IN
APPEAL FROM ORDER NO. 914 OF 2015**

Manilal D. Gala

..Appellant

V/s.

Benito Anthony D'Souza

.Respondent

Mr. Arackal Steenson Paulose for the Appellant.

Mr. Atul Damle, Senior Advocate a/w Mr. Mandar Soman for
Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 20th MARCH, 2018.

P.C.

. Learned counsel for the appellant submits that during the pendency of this appeal, Notice of Motion No. 927 of 2015 filed in the same suit came to be dismissed by an order dated 20th April 2015 passed by the City Civil Court, Mumbai. Learned counsel for the appellant further submits that in view of the said order dated 20th April 2015 and another order dated 3rd July 2015 passed by this Court in Notice of Motion No. 864 of 2015 in Suit No. 2866 of 2009, nothing survives in this appeal and he, therefore, seeks leave to withdraw the appeal.

2. Leave granted. Appeal is dismissed as withdrawn.

3. Civil Application is disposed of.

(ANUJA PRABHUDESSAI, J.)