

Sarnobat

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

**APPEAL FROM ORDER (STAMP) NO. 16171 OF 2018
ALONGWITH
CIVIL APPLICATION (STAMP) NO. 16173 OF 2018**

Abdul Latif Majeed Khan. ... Appellant.
Vs.
Archer Park Co-operative Housing Society Ltd.
And Ors. ... Respondents.

Mr. Atul Damle I/by Vimlesh Singh for the Appellant.
Mr. Shriram S. Redij, for the Respondents.

CORAM : V. M. DESHPANDE, J.

DATE : 12th JULY, 2018.

P. C. :

1. Shri S. S. Redij the learned counsel submits that he has instructions to appear on behalf of respondents. He submits that he will file his Vakalatnama for them in office. Statement accepted. Permission granted to file Vakalatnama.
2. Heard the learned counsel for the appellant and learned counsel for the respondents in extenso. The present appeal takes exception to the order passed by learned Judge, City Civil Court, Greater Mumbai dated 3rd May, 2018 in Notice of Motion No. 3871 of 2017 in S.C. Suit No. 1612 of 2013.
3. Firstly, I would like to place it on record here that after hearing both the learned counsel very extensively, the Court expressed

his opinion that the Court is not inclined to grant any relief in favour of the appellant. After the Court expresses his opinion, Shri Damle, learned Senior counsel for appellant after obtaining instructions from the instructing counsel submits before the Court that the appellant wish to withdraw the present. Appeal.

4. At the time of making the prayer for withdrawal, he submitted that suit is ready for hearing, in as much as according to him the appellant/original plaintiff has filed the affidavit in lieu of evidence. This position is also concurred by Shri Redij appearing for the respondents. In this situation Shri Damale submitted that, this Court may pass the order directing the Court below to decide the Suit within a time frame. Even this submission for expeditious decision of the Suit is also not opposed very fairly by learned counsel Shri Redji.

ORDER

- I) The appeal against the order is disposed of as withdrawn as prayed by the appellant through his counsel.
- II) The order dated 3rd May, 2018 passed by Judge, City Civil Court, Mumbai in Notice of Motion No. 3871 of 2017 in S.C. Suit No. 1612 of 2013 is not interfered with at all.
- III) The Court below on whose file S.C. Suit No.

1612 of 2013 is pending shall decide the Suit as expeditiously as possible within a period of Nine months from the date of receipt of this order.

IV) It is expected that the appellant and the counsel as well the respondent shall extend full co-operation to the learned Judge for expeditious trial.

V) With this appeal is disposed of. All Civil Applications are disposed of.

[V. M. DESHPANDE,J.]