

Sarnobat

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

**APPEAL FROM ORDER NO.646 OF 2016
ALONGWITH
CIVIL APPLICATION NO. 827 OF 2016**

Mrs. Zuleika Homavazir Sattha. ... Appellant.
Vs.
M/s. Shahaj Developers & Ors. ... Respondents.

None for the Appellant.

Mr. Sanjeev A. Sawant a/w. Mr. H.S. Kadam, for the Respondent No. 4 and 5.

Mr. Shankar P. Thorat, for the Respondent No. 6 and 7.

CORAM : V. M. DESHPANDE, J.

DATE : 12th JULY, 2018.

P. C. :

1. This appeal is directed against the order dated 22nd June, 2016 by which the learned First Addl. Principal Judge, City Civil Court, Mumbai refused to grant ad-interim relief in favour of the appellant/ original plaintiff in Suit No. 1372 of 2016.

2. Today when the appeal was called for hearing, appellant and her counsel are absent. Shri Sanjeev Sawant is appearing for respondent Nos. 4 and 5 who are the original defendants No. 4 and 5. Similarly, Shri S. P. Thorat is for respondent Nos. 6 and 7, the original defendant Nos. 6 and 7.

3. Shri Sawant submitted that S.C. Suit No. 1372 of 2016

filed on behalf of the appellant/plaintiff is withdrawn by her on 27th March, 2017 and he produces the photocopy of the certified copy of the said order which says that the appellant/plaintiff filed an application to withdraw the suit with liberty to file the fresh Suit and the learned Judge has disposed of the Suit as withdrawn with liberty as prayed for. The photocopy of the order is taken on record and it is marked as document "Z" for the purpose of identification.

4. The appeal arises out of the order passed in S.C. Suit No. 1372 of 2016 which is withdrawn by the plaintiff. Therefore, it appears that, neither the appellant or anybody is appearing for the appellant. Statement of Shri Sawant that the suit itself is withdrawn is accepted. In view of the said, the present appeal rendered infructuous. Consequently, the appeal is dismissed as infructuous.

[V. M. DESHPANDE,J.]