

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 SECOND APPEAL NO.737 OF 2011
WITH
CA/3636/2017 IN SA/737/2011

MOHD SAJID ALI MOHD MUNAWARR ALI
VERSUS
SD AMJADALI SD WALIULLAH HUSENISAHAB AND ORS

...
Advocate for Appellant : Mr. G R Sayed
Advocate for Respondents No.1 to 10 : Mr. A. N. Ansari.
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 20-03-2019.

PER COURT :

1. Learned advocate appearing for the appellant submits that, he has instructions to withdraw the appeal.
2. Appellant is the original plaintiff who had filed the suit for perpetual injunction restraining the defendants from alienating suit property and also restraining them from creating third party interest. It appears that, the defendant had raised preliminary point and prayed for rejection of a plaint under Order VII Rule 11 of Code of Civil Procedure. After hearing both sides, the plaint was rejected under Order VII Rule 11 (a) (d) of Code of Civil Procedure by Civil Judge, Junior Division, Degloor on 19-03-2011.
3. Plaintiff had thereafter filed Regular Civil Appeal No. 16 of 2011

before learned District Judge -1, Biloli. That appeal came to be dismissed on 19-10-2011. Hence, the original plaintiff had filed the second appeal. It was admitted. However, now the appellant wants to withdraw the appeal. He is allowed to withdraw the same. Appeal stands disposed of as withdraw. No order as to costs. Record and proceedings be sent back to the concerned Court. Civil Application No.3636 of 2017 stands disposed of.

4. Interim relief, if any granted earlier, stands vacated.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.