

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**APPEAL FROM ORDER NO. 239 OF 2018
WITH
CIVIL APPLICATION NO. 313 OF 2018**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Amol Tembe for the Appellant/Applicant.

Mr. H.K. Vazirani for the Respondent Nos. 1 to 3 and 6 to 8.

CORAM : K. K. TATED, J.

DATE : 05/04/2019

P.C.:

. Heard learned Counsel for the parties.

2 Advocate for the Respondent filed Affidavit dated 28.03.2019 duly affirmed by Deepak Vazirani Respondent No.1 stating that they will not create any 3rd party right, title and interest in respect of suit premises i.e. Flat No.3, first floor, Plot No. 83, Sindhi Society, Chembur, Mumbai 400 071. Para 2 of the said affidavit reads thus:

“2. I say that I am in possession of the suit premises i.e. Flat No. 3, 1st floor, Plot No. 83, Sindhi Society, Chembur, Mumbai 400 071, with my family consists of my wife and two unmarried sons. Neither I have created nor am I intending to create any third party interest in the suit premise.”

3 The learned Counsel for the Appellant submits

that in view of the affidavit dated 28.03.2019 where the Respondent has made a statement that they will not create any third party rights, title and interest in respect of suit premises till the hearing and final disposal of the suit premises, the Appellant may be permitted to withdraw of present proceeding. To that effect he has given in writing. Same is taken on record and marked as "X" for its identification. Same is accepted.

4 Appeal from Order as well as Civil Application stand disposed of as withdrawn.

5 All contentions of both the parties are kept open.

(K.K.TATED, J.)