

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

**APPEAL FROM ORDER NO. 32 OF 2017
WITH
CIVIL APPLICATION NO. 40 OF 2017**

Qari Mohammed Zakir Hussain	...	Appellant
V/s.		
Kesavan Palani Samy Devendra & Anr.	...	Respondents

Mr.Suresh Kamble for Appellant.
Mr.G.C. Singh for Respondent No.1.
Ms.Oorja Dhond i/b. Mr.Nasir Shaikh for Respondent No.2.

CORAM : A.S. GADKARI, J.

DATE : 25th November 2019.

PC. :

1] After hearing the learned counsel for the appellant at length when this Court expressed its disinclination to grant relief, the learned counsel, on instructions, seeks leave to withdraw the present Appeal with liberty to adopt appropriate proceedings for implementation and/or execution of the statement made by the respondent No.1 and as recorded in first line of internal page No.5 of impugned Order dated 22nd December 2016.

Leave and liberty granted.

2] Appeal is dismissed as withdrawn with aforesaid liberty.

3] The learned Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai, seized of the L.C. Suit No.160 of 2013 is hereby requested to expedite the hearing of the said suit.

4] In view of disposal of the Appeal, nothing survives in the Civil Application and is accordingly disposed off.

[A.S. GADKARI, J.]