

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 491 OF 2018
WITH
CIVIL APPLICATION NO. 644 OF 2018
IN
APPEAL FROM ORDER NO. 491 OF 2018

Sukli Keshav Rathod alias
Smt. Sukli Shamlal Gaud and Ors.

... Appellants.

Versus

MCGM P/N Ward and Ors.

... Respondents.

.....

Mr. R. R. Tiwari for the Appellants.

Smt. Oorja Dhond for the Respondent-MCGM.

.....

CORAM : A. S. GADKARI, J.

DATE : 14th NOVEMBER, 2019

P. C. :

1] The present Appeal is preferred against the Order dated 11th January 2018 passed by the learned Judge, City Civil Court, Dindoshi, Mumbai, thereby rejecting ad-interim relief in Draft Notice of Motion in L.C. Suit No. 39 of 2018 filed by the appellants.

2] The record indicates that, now the said motion has been numbered as Notice of Motion No. 281 of 2018 and the same is pending for final adjudication on the file of the Trial Court.

3] After hearing the learned counsel for the appellants at length, when this Court was not inclined to grant any relief, the learned counsel

on instructions, seeks leave to withdraw the present appeal unconditionally with liberty to pursue Notice of Motion No. 281 of 2018 before the Trial Court.

Leave and liberty granted.

4] The learned counsel for the appellants submitted that, he has also filed a separate Notice of Motion No. 597 of 2018 with a prayer to restore the possession and to permit him to construct the suit structure. The said notice of motion is also pending for final adjudication before the same Court.

5] The learned Judge, City Civil Court, Dindoshi, Mumbai seized of Notice of Motion No. 281 of 2018 and Notice of Motion No.597 of 2018, is hereby requested to expedite the hearing of the said motions and disposed it off preferably within a period of six months from today.

6] Appeal is disposed off as withdrawn in the aforesaid terms.

7] In view of the disposal of the Appeal, Civil Application No. 644 of 2018 does not survive and is accordingly disposed off.

(A. S. GADKARI, J.)