

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

**FIRST APPEAL (ST) NO. 9639 OF 2018
ALONGWITH
CIVIL APPLICATION (ST) NO.9641 OF 2018
IN
FIRST APPEAL (ST) NO. 9639 OF 2018**

**Noor Mohammed Abdul Razzaq Khan & Anr. Appellants/
Applicants**

VERSUS

**Asset Reconstruction Company of India
Limited & Ors. Respondents**

Mr.Jayesh Bhatt for the Appellants/Applicants.

None for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 5th NOVEMBER, 2019

P.C.

The papers are allowed to be produced at 03.00 p.m.

2. Mr.Bhatt, learned counsel for the appellants states that his clients are advised to file an appeal against the impugned judgment and decree dated 6th February, 2018 before the learned District Judge, Panvel and seeks liberty to withdraw this appeal with liberty to file an appeal before the learned District Judge, Panvel. First Appeal (St) No.9639 of 2018 is dismissed as withdrawn with liberty as prayed. No order as to costs.

3. In view of the withdrawal of the first appeal, Civil Application (St.) No.9461 of 2018 does not survive and is accordingly disposed of.

4. Refund of court fees, if any, as per rules.
5. The parties to act on the authenticated copy of this order.

[R.D.DHANUKA, J.]