

DDR

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

**APPEAL FROM ORDER NO. 10 OF 2017
WITH
CIVIL APPLICATION NO. 13 OF 2017
IN
APPEAL FROM ORDER NO. 10 OF 2017**

Maharashtra Amateur Gymnastics
Association

..Appellant

vs.

Sanjay Shete & ors.

..Respondents

....

Mr. Girish Godbole a/w. Mr. Jay Vakil i/b. L.J. Law for the
appellant.

Mr. R. Mishra with Mr. Dinak Parmar for respondent No.6.

....

CORAM : M.S.KARNIK, J.

DATE : 1st JULY, 2019

P.C. :

Heard learned Counsel for the appellant.

2. Learned Counsel for the appellant states that in view of the subsequent events instead of pressing the present Appeal from Order on merits, he may be permitted to withdraw the Appeal from Order with a liberty to file a fresh Notice of Motion before the trial Court bringing on record the subsequent events.

3. The present Appeal from Order is allowed to be withdrawn with liberty to the appellant to file a fresh Notice of Motion on the basis of the subsequent events.

4. It is made clear that if such a Notice of Motion is filed by the appellant, the same shall be considered on its own merits and in accordance with law. It is further made clear that that all the contentions of both the parties are kept open.

5. Taking into consideration that the controversy relates to sports activity, if a request is made by the plaintiff before the trial Court for expediting the suit, it is always open for the trial Court to consider such request in its discretion.

6. The Appeal from Order is disposed of as withdrawn with liberty as prayed for.

7. In view of the disposal of the Appeal from Order, nothing survives for consideration in the Civil Application. The Civil Application is also disposed of.

(M.S.KARNIK, J.)