

DDR

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

**APPEAL FROM ORDER NO. 440 OF 2018
WITH
CIVIL APPLICATION NO. 582 OF 2018
IN
APPEAL FROM ORDER NO. 440 OF 2018**

Lata w/o. Hemant Garg	..Appellant
vs.	
Santosh Shetty & anr.	..Respondents

**WITH
APPEAL FROM ORDER NO. 441 OF 2018
WITH
CIVIL APPLICATION NO. 583 OF 2018
IN
APPEAL FROM ORDER NO. 441 OF 2018**

Lata w/o. Hemant Garg	..Appellant
vs.	
Mr. Lal & anr.	..Respondents

....
Shri A.M. Saraogi a/w. Shri Sushil Upadhyay i/b. Shri P.H. Jaggi
for appellant.
Shri Santraj Rampyare for respondent No.2.
....

CORAM : M.S.KARNIK, J.

DATE : 12th JUNE, 2019

P.C. :

Learned Counsel for respondent No.2 has filed an affidavit. He seeks leave to delete entire paragraph 2 of the affidavit.

2. Leave as prayed for is granted. Amendment to be carried out forthwith.

3. In paragraph 3 of the affidavit it is stated that mother of the respondent No.2 is in occupation of the suit shop. In the light of the submissions made in paragraph 3 of the affidavit learned Counsel for the appellant prays that he may be allowed to withdraw the Appeals with a liberty to adopt appropriate proceedings. A stand on similar lines is taken in connected Appeal From Order No. 441 of 2018.

4. The present Appeals are allowed to be withdrawn. The appellant is granted liberty to file fresh proceeding as may be permissible in accordance with law. It is made clear that

though the trial Court has returned the Plaint to be presented before the proper Court, this will not preclude the appellant from instituting any further proceeding or proceedings before the Small Causes Court or any other Competent Court for redressal of his grievance as may be permissible in law. All contentions kept open.

5. With these observations, the Appeals are allowed to be withdrawn. The Appeals are disposed of as withdrawn.

6. In view of the disposal of the Appeals, the Civil Applications are disposed of.

(M.S.KARNIK, J.)