

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application (ST) No. 14060/2018
with
Appeal from Order (ST) No. 14057/2018
with
Civil Application (ST) No. 14058/2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Amit Mehta I/b. Mahimtura & Co. for the Applicant Mr. Bhavin Gada with Jigar Dedhia I/b L.D. Shah & Co. for Respondent No.4. Mr. Vaibhav Sugdhare I/b. Chitnis & Co. for the Respondent	

CORAM : K.K.TATED, J.
DATED : APRIL 12, 2019

P.C.

Heard. The learned counsel for the Appellant submits that the Respondents raised a preliminary objection about the maintainability of the Appeal from Order in view of the judgment of this court in the matter of *Bholesankar Awas Gruha Nirman Sahakari Sanstha Maryadit Nagpur Vs. Omprakash s/o. Dwarkaprasad Malviya & Ors. 2008 (5) Mh.L.J. 952*. He submits that in view of the said judgment, the Appellant may be permitted to withdraw the present

proceedings with liberty to file afresh for the same cause of action. To that effect he has given in writing. Same is taken on record and marked "X" for identification.

2 The Civil Application and the Appeal from Order stand disposed of as withdrawn with liberty as prayed for.

3 No order as to costs.

(K.K.TATED, J.)