

Tikam

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

APPEAL FROM ORDER No. 194 OF 2019

M/s. Shivshankar Builder & Developers
Through its Partner
Satish Shivshankar Tripathi

...Appellant/
Org. Plaintiff

Vs.

Eknath Sadashiv Kandpile and Ors.

...Respondents
Org. Defendants

Mr.Uday Warunjikar a/w. Mr. Vaibhav Bajpayee a/w. Mr. Gaurav
Jangle i/b. I.V. Merchant & Co. for Appellant.
Mr. Idris M. Vohra for Respondents

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 24, 2019

P.C.:

1. Heard learned counsel for parties.
2. By this Appeal from Order, the Appellant/Original Plaintiff is challenging the judgment and order dated 3rd November, 2018 passed by the 3rd Joint Civil Judge, Senior Division, Panvel Below Exhibit '5' in Special Civil Suit NO. 411 of 2018 declined to grant any interim relief restraining the Respondents/ Original Defendants from creating any third party right in respect of the suit property.
3. During the course of arguments, learned counsel Mr. Irdis Vohra appearing on behalf of Original Defendants submits that the suit property is in their possession, they have not created third party right and have not started any construction activities.
4. Learned counsel Mr. Warunjikar, appearing on behalf of the Appellant submits that he received instructions from his client to withdraw the present Appeal from Order with liberty to file application

in the trial court for carrying out amendments in the plaint and move for ad-interim relief. To that effect, he has given in writing. The same is taken on record and marked 'X' for the purpose of identification. The same is accepted.

5. Hence, following order:

ORDER

- (A) Appeal from Order stands disposed of as withdrawn with liberty as prayed.
- (B) No order as to costs.

[K.K. TATED, J.]