

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO.217 OF 2019
IN
NOTICE OF MOTION NO.11 OF 2019
IN
SUIT NO.1545 OF 2018**

**WITH
NOTICE OF MOTION (L) NO.1319 OF 2018
IN
APPEAL NO.217 OF 2019**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's Orders
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Mr. Mihir Desai, Senior Advocate, a/w Mr.Vijay Hiremath, a/w Mr. Roufh Sarkarr and Sahana Manjesh i/b. Swaraj S. Jadhav & Vijay Hiremath for Appellant.

Mr.Virendra Tulzapurkar, Senior Advocate, i/b. Mandar Soman for Respondent No.1.

Mr.Dheeraj Panchange i/b. Ashutosh Shrivastav for Respondent No.2.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.**
DATED : 20th November, 2019.

P C. :

1. Heard Learned Senior Counsel for the appellant, Mr. Veerendra Tulzapurkar, Senior Counsel for Respondent No.1 and Mr. Dheeraj Panchange for the respondent No.2.
2. After arguing for some time, Senior Counsel for the appellant submit that he received instructions from appellants to withdraw the present appeal. At the same time, he submitted that they may be permitted to file Affidavit in reply in Notice of Motion (L) No.11/2019 in suit lodging no.1548/2018 on or before 13/12/2019. To that effect advocate on record for appellants have given in writing. It is marked 'X' for identification. Same is accepted.
3. Hence, following order.
 - a) Liberty granted to the appellant to file Affidavit in reply, if any, in Notice of Motion No.11/2019 in Suit (L) No.1548 of 2018 on or before 13/12/2019 with copy to other side.
 - b) Re-joinder, if any, to be filed

by the plaintiffs thereafter on or before 17/01/2020.

c) Liberty granted to the appellant to move before the learned Single Judge for early hearing of Notice of Motion No. 11 of 2019.

d) The Appeal No.217 of 2019 and pending Notice of Motion stands disposed of as withdrawn.

e) No order as to cost.

(K.K.TATED, J.)

(SARANG V. KOTWAL, J.)
