

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

**APPEAL FROM ORDER NO. 237 OF 2019
WITH
CIVIL APPLICATION NO. 276 OF 2019**

M/s. Golden Chariot Hospitality Services Private Limited	...	Appellant
V/s.		
M/s. Grauer & Well (India) Limited	...	Respondent

Mr.Vaibhav Pandya for Appellant.
Mr.Karl Tamboli a/w. Mr.Swapnil Gupte i/b. Economic Laws Practice for
Respondent.

CORAM : A.S. GADKARI, J.

DATE : 2nd January 2020.

PC. :

1] By the impugned Order dated 13th March 2019 passed in Notice of Motion No. 816 of 2019 in S.C. Suit No.571 of 2019, the Trial Court has rejected the prayer of the appellant/original plaintiff for grant of ad-interim relief in the said Motion.

2] Learned counsel for the appellant submitted that, the Notice of Motion No.816 of 2019 is scheduled for final hearing before the Trial Court. He further submitted that, the appellant has also filed Chamber Summons No.418

of 2019 for impleading the third party, who is presently in actual possession of suit property, as defendant (necessary party) to the said S.C. Suit No.571 of 2019. That the said Chamber Summons is also pending for hearing before the Trial Court.

3] As the Order impugned herein is an interlocutory Order i.e. the prayer of appellant for grant of ad-interim relief is rejected and as noted earlier, the said Notice of Motion No.816 of 2019 is now scheduled for final hearing before the Trial Court, learned counsel for the appellant, on instructions, seeks leave to withdraw the present appeal.

Leave granted.

4] Appeal is disposed off as withdrawn.

5] In view of disposal of Appeal, nothing survives in the Civil Application and is accordingly disposed off.

6] The learned Judge of City Civil Court, Mumbai seized of Notice of Motion No.816 of 2019 and Chamber Summons No.418 of 2019 is requested to expedite the hearing of the said Notice of Motion and Chamber Summons and to make an endeavour to conclude the same within a period of three months from the date of receipt of the present Order. It is needless to mention that, the contentions of all the parties are expressly kept open.