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

**APPEAL FROM ORDER NO. 70 OF 2021
WITH
INTERIM APPLICATION NO. 700 OF 2021**

Prabhu Niwas CHS Ltd.

...Appellant

Vs

M/s OM Sai Sneh Construction 39 Ors.

... Respondents

Ms. Nilam N. Vete for the Appellant.

Mr. Anil D'souza for the Respondent No.1.

Ms. Swati Sagvekar for the Respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 8th OCTOBER, 2021

P.C. :

1. At the outset, Mr. D'souza, learned Advocate for Respondent No.1 raised a preliminary objection and submitted that, in view of pecuniary jurisdiction vested with the District Judge, the present Appeal against the impugned Order dated 19.6.2020 passed below Exh.5 in Special Civil Suit No. 72 of 2019 by the learned Joint Civil Judge, Senior Division, Vasai, would lie before the District Judge/ Additional District Judge, Vasai.

2. Facing with such difficulty, learned Advocate for Appellant on instructions, seeks leave to withdraw the present appeal with liberty to file

an Appeal before the District Judge/ Additional District Judge, Vasai.

Leave and liberty granted.

3. Appeal is disposed off as withdrawn with aforesaid liberty.

4. In view of disposal off Appeal itself, Interim Application No.700 of 2021 does not survive and is accordingly disposed off.

5. It is needless to mention that, the appellant will get benefit of the period from the date of filing of the present Appeal till today, which has been consumed in pursuing the present appeal. It is made clear that, this Court has not dealt with the merits involved in the present appeal and the Appellate Court will consider the appeal filed by the appellant on its own merits.

(A. S. GADKARI, J.)

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