

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****SECOND APPEAL (ST.) NO. 10242 OF 2021****WITH****INTERIM APPLICATION NO. 1266 OF 2021**

M/s. Hagwood Commercial Developers

Pvt. Ltd., Andheri (West), Mumbai

... Appellant

V/s.

Rahul Madhukar Deshmukh

... Respondent

Mr. Shyam Dewani a/w. Mr. Hetal Thakore and Ms. Bhavika Tiwari i/b. Dua Associates for Appellant.

Mr. Devendra Chauhan a/w. Mr. Filji Frederick, Mr. Chaitanya Barve and Mr. Vinay Kumar i/b. FF & Associates for Respondent.

CORAM : A.S. GADKARI, J.**DATE : 8th July 2021.****(Through Video Conferencing)****PC. :**

1. The present Second Appeal under Section 100 of the Code of Civil Procedure is directed against an interlocutory Order 7th April 2021 passed in Misc. Application No. 193/21 (Waiver) in Appeal No. AT004000000042071, by the Maharashtra Real Estate Appellate Tribunal, Mumbai. In view thereof, Second Appeal is not maintainable.

2. Facing with the said difficulty, Mr. Dewani, learned counsel for the Appellant on instructions seeks leave to withdraw the present Appeal with

liberty to file a substantive Petition or any other proceedings before this Court impugning the said Order dated 7th April 2021 passed in Misc. Application No. 193/21(Waiver) in Appeal No. AT004000000042071.

Leave and liberty granted.

3. Second Appeal is disposed off as withdrawn.
4. In view of the disposal of Second Appeal, Interim Application No.1266 of 2021 pending therein, does not survive and is accordingly disposed off.
5. It is made clear that, this Court has not adjudicated upon the merits involved in the present Appeal and both the parties are at liberty to raise their contentions in appropriate proceedings, which would be adopted by the Appellant herein.
6. Ad-interim relief, granted by Order dated 18th June 2021, to remain in force for a period of two weeks from today.

[A.S. GADKARI, J.]