

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 131 OF 2021
WITH
INTERIM APPLICATION NO. 1421 OF 2021**

M/A. Smartcity Luxury Project ... Appellant

V/s.

M/s. Andheri Himalaya Co-Op.
Hous. Soc. Ltd. & Anr.

... Respondents

Mr.Vijay Patil i/b. Mr.Sandeep A. Kocharekar for Appellant.
Mr.Pratik Jani a/w. Mr.Prince Vaishnav i/b. Prime Legem for Respondent No.1.
Mr.Hemant Mehta i/b. Mehta & Co. for Respondent No.2.

CORAM : A.S. GADKARI, J.
DATE : 10th August 2021.

PC. :

1. The present Appeal is directed against refusal of ad-interim relief granted by the impugned Order dated 30th April 2021 in Draft Notice of Motion in S.C. Suit No. 920 of 2021 passed by the learned Ad-hoc Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai.
2. Mr.Patil, learned counsel for the Appellant, on instructions from Mr.Vipul Mehta, Partner of Appellant, seeks leave to withdraw the present Appeal. He seeks liberty to amend the Plaint and Notice of Motion pending on

the file of the learned Ad-hoc Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai, in view of the subsequent developments.

3. The Appellant is at liberty to amend the Complaint and Notice of Motion as per the provisions of the Civil Procedure Code.

4. Mr. Patil, on instructions, further submitted that, the Appellant will file an application for amendment of the Complaint and Notice of Motion within a period of one week from today.

Leave and liberty granted.

5. Appeal from Order is disposed off as withdrawn with aforesaid liberty.

6. In view of disposal of Appeal from Order, Interim Application No. 1421 of 2021 does not survive and is accordingly disposed off.

7. Taking into consideration the short point involved in the Notice of Motion, the learned Ad-hoc Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai, seized of S.C. Suit No. 920 of 2021 is requested to expedite the hearing of the said Notice of Motion and to make an endeavour to dispose it of on or before 31st December 2021.

[A.S. GADKARI, J.]