

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 214 OF 2021
WITH
INTERIM APPLICATION NO. 2064 OF 2021**

N. B. Haider & Ors. ... Appellants
V/s.
Aslam Ahmed Khan ... Respondent

Mr.A.M. Saraogi a/w. Ms.Pooja Joshi for Appellants.

CORAM : A.S. GADKARI, J.
DATE : 30th August 2021.

PC. :

1. Mr.Saraogi, learned counsel appearing for Appellants submitted that, in view of the registered 'Leave and Licence Agreement' dated 27th April 2017, the Appellants will withdraw S.C. Suit (Stamp) No.4777 of 2021 from the record of City Civil Court, Mumbai and will file a substantive Suit under Section 41(1) of the Presidency Small Cause Courts Act, 1882 before the Small Causes Court at Mumbai. The said statement is accepted.

2. The Appellant is permitted to withdraw S.C. Suit (Stamp) No.4777 of 2021 from the record of City Civil Court, Mumbai and to file a substantive Suit for necessary reliefs as contemplated under Section 41(1) of the Presidency Small Cause Courts Act, 1882 before the Small Causes Court at

Mumbai on the basis of the said document in-question i.e. 'Leave and Licence Agreement' dated 27th April 2017.

3. Appeal is disposed of in the aforesaid terms.
4. In view of disposal of Appeal, Interim Application No.2064 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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