

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**APEAL FROM ORDER NO.49 OF 2013
WITH CA/5851/2013 IN AO/49/2013**

**INDUBAI BAJABA ABHANG
VERSUS
UDAYKUMAR KERUJI GUNJAL AND OTHERS**

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Advocate for Petitioner : Ms. Suvarna M. Zaware
Advocate for Respondent No.1 : Mr. Aniket Deshmukh
AGP for Respondents-State : Mr. S. W. Munde
Advocate for Respondent No.24 : Mr. B. S. Chandekar h/f Mr. V. S. Bedre

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CORAM : MANGESH S. PATIL, J.

DATED : 01 APRIL 2022.

PER COURT :

1. This is an appeal under Section 104 read with Order 43(1)(r) of the Code of Civil Procedure by the original plaintiff, being aggrieved and dissatisfied by rejection her application for temporary injunction filed under Order 39.

2. After noticing that this appeal is pending in this Court since the year 2013 and by the order dated 3 May 2013 the trial of the said suit is stayed, I had suggested the learned advocate for the appellant to take instructions as to if inspite of being a plaintiff, she is satisfied in continuing the stay of the trial.

3. Learned advocate for the appellant Ms.Zaware, on instructions seeks leave to withdraw the appeal unconditionally and prays that the trial of the suit be expedited. Leave is granted.
4. Appeal is dismissed as withdrawn.
5. Trial is expedited.
6. Record and Proceedings be sent back immediately.
7. Pending Civil Application stands disposed of.

(MANGESH S. PATIL, J.)