

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 219 of 2022

Purushottam Gagan Thakur .. Appellant

Versus

State Bank of Bikaner and Jaipur .. Respondents
Employees, Utkarsha CHS Ltd, thru
Shubhada Ramkrishna Joag & Anr

...

Mr.Vineet Naik, Sr. Advocate with Harish Pawar i/b Ajit J.
Kenjale for the appellant.

Mr.Akshay Puranik i/b Abhishek Adke for the respondent.

CORAM: BHARATI DANGRE, J.

DATED : 22nd MARCH, 2022

P.C:-

1 Heard Mr.Vineet Naik, the learned Senior counsel,
who seek withdrawal of the Appeal. The withdrawal is sought in
the background of the peculiar facts, being that the present
Appeal is filed being aggrieved by dismissal of Notice of Motion
filed in the year 2017 by the present appellant who was the
original defendant no.1, seeking permission to construct the
compound wall to his plot in terms of the sanction letter granted
by the MCGM.

2 Considering that such an application is not maintainable, the Notice of Motion came to be rejected on 8/3/2021 in the Suit filed by the plaintiff, seeking simplicitor injunction against the defendants and seeking a relief restraining the defendants from disturbing the peaceful possession.

3 The learned Senior Counsel seek withdrawal of the present Appeal with a liberty to adopt appropriate course which was sought through the Notice of Motion which is now rejected. He is at liberty to institute independent proceedings and if at all the law permits taking benefit of the pendency of the Notice of Motion, subject to any objection being raised by the other side and leaving it to the discretion of the learned Judge to take a decision qua the point of limitation, if at all independent proceedings are instituted.

3 Appeal is permitted to be withdrawn as disposed off as such.

(SMT. BHARATI DANGRE, J.)