

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 816 OF 2022
IN
SUIT NO. 567 OF 2021

Farid Shaikh

...Appellant

Vs.

Bashir Babu Tambe & Ors.

...Respondents

Mr. Jamshed Ansari for Appellant.

CORAM : G.S. KULKARNI, J.
DATE : FEBRUARY 16, 2023

P.C.:

1. Learned counsel for the appellant informs that his client has filed Notice of Motion No.1059 of 2021 invoking the provisions of Order 7 Rule 11 of the Code of Civil Procedure and such notice of motion is pending. He submits that the appellant be permitted to withdraw this appeal with liberty to pursue the pending notice of motion.
2. Allowed to be withdrawn with liberty as prayed for. Disposed of. No costs.
3. Learned trial Judge is requested to take up the said Notice of Motion for early hearing and preferably the same be decided within six months from today.
4. All contentions of the parties are expressly kept open.

[G.S. KULKARNI, J.]