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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.328 OF 2021
WITH
INTERIM APPLICATION NO.2974 OF 2021**

Bramhadev Janki Prasad Sharma ...Appellant

V/s.

Dindayal Raghunath Ahir @ Yadav ...Respondents
thru' Power Attorney Holder
Shri. Rambriksha Raghunath Ahir
@ Yadav & Ors.

Ms. Ruchi Singh i/by Mr. Akhilesh Singh for
Appellant.

Mr. Nitin Gangal for Respondents.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 6th June 2023**

P.C.:

1. Ms. Ruchi Singh, learned Counsel appearing for the Appellant states that the impugned judgment and decree passed by the learned Trial Court as well as by the learned Appellate Court are arising out of the Suit filed under the provisions of Maharashtra Rent Control Act, 1999. Therefore, she states that the Second Appeal is not maintainable. She seeks leave to withdraw the Second Appeal with liberty to adopt appropriate proceedings. She further states that a learned Single Judge of

this Court has granted ad-interim relief by order dated 21st October 2021 and seeks continuation of said order for a period of four weeks.

2. Mr. Gangal, learned Counsel appearing for the Respondents states that in fact on earlier occasion, he has raised objections regarding maintainability of the Second Appeal and the matter was adjourned by learned Single Judge for hearing on said objections.

3. Ms. Singh states that appropriate proceedings will be filed within a period of two weeks from today and immediately a copy of the same will be served on the learned Advocate appearing for the Respondents.

4. In view of above submissions, the Second Appeal is allowed to be withdrawn with liberty to adopt appropriate proceedings. To enable the Appellant to adopt appropriate proceedings, it is necessary to grant limited protection. Therefore, the order dated 21st October, 2021 passed in Second Appeal No. 328 of 2021 with Interim Application No. 2974 of 2021 as continued from time to time is extended till 27th June 2023.

5. In view of withdrawal of the Second Appeal, nothing survives in the Interim Application and the same is also disposed of.

6. It is clarified that this Court has not considered the merits of the case and all contentions of the parties on the merits are expressly kept open.

(MADHAV J. JAMDAR, J.)