

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 681 OF 2023

WITH

INTERIM APPLICATION 14675 OF 2023

Mr. Vinod C. Jalan and anr.

...Appellants

v/s.

Ms. Afcons Developers Private
Limited (Builders and Developers),
Thr. Its Directors

...Respondents

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Mr. Manoj P. Mhatre a/w. Mr. Amol Raut, for the Appellants.

CORAM : SANDEEP V. MARNE, J.

Dated : 30 August 2023.

P.C. :

1. The learned Counsel for the Appellants on instructions seeks leave to withdraw the Appeal. He however expresses an apprehension that the findings recorded by the City Civil Court while rejecting the Notice of Motion may come in the way of the Plaintiffs while finally deciding the suit.

2. The findings recorded by the City Civil Court in order dated 18 April 2023 are only with regard to the plaintiff's

entitlement to seek temporary injunction. The same cannot affect the mind of the City Civil Court while finally deciding the suit.

3. The learned counsel for the Appellant would further submit that there is a finding recorded by the City Civil Court in the order dated 18 April 2023 that there is no proper description of the suit property. He would submit that the Plaintiff would like to move an application to correctly describe the suit property so that the said objection would not come in the way while finally deciding the suit. The Appellant will be at liberty to move such an application before the City Civil Court. With the above observations, the Appeal is **disposed of as withdrawn**. Plaintiff to move an application elaborating the averments and prayers in the plaint with regard to the description of the suit property.

4. With disposal of the Appeal from Order, Interim Application No.14675/2023 does not survive. The same is disposed of as having become infructuous.

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SANDEEP V. MARNE, J.

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