

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

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**APPEAL NO. 25 OF 2022
IN
NOTICE OF MOTION NO. 3614 OF 2011
ALONGWITH
INTERIM APPLICATION NO. 636 OF 2019
IN
APPEAL NO. 25 OF 2022
ALONGWITH
APPEAL NO. 26 OF 2022
IN
NOTICE OF MOTION NO. 1599 OF 2010
ALONGWITH
INTERIM APPLICATION NO. 774 OF 2019
IN
APPEAL NO. 26 OF 2022**

Neil John Creado and Ors.

....Appellant

V/s.

Shah Abbas Khan and Anr.

...Respondents

Mr. Sarosh Bharucha a/w Ms. Purvi Asher a/w Ms. Keerthi Kamath i/b Mansukhlal Hiralal & Co. for Appellants.

Mr. Darius Khambata, Senior Advocate a/w Mr. Narayan Sahu, Mr. Rohaan Cama, Mr. M.S. Federal, Mr. Murtuza Federal, Ms. Rashne Mulla-Feroze, Mr. Sougat Pati and Ms. Kajor Punjabi i/b Federal & Company for Respondents.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 9th JANUARY 2023**

P.C. :

1. Mr. Bharucha for appellant, on instructions states that leave to withdraw both the appeals be granted and at the same time trial court be requested to dispose the suit at the earliest since the suits and cross suits have been pending for almost 11 years.

2. Both the Appeals dismissed as withdrawn.
3. We are informed that pleadings are completed in both the suits.
4. Parties to file respective affidavit of documents and serve it upon other side within two weeks from today. Within two weeks thereafter, parties shall give inspection of their respective documents, exchange statement of admission and denial of documents and also complete discovery.
5. Suit be listed on 17th February 2023 before the learned single Judge for directions subject to the convenience of the learned single Judge. On that date parties may go with agreed draft issues and a separate list of issues on which they are unable to agree. Parties may request the learned trial court to settle the issues and dispose the suit at the earliest.
6. Mr. Bharucha and Mr. Khambata agree that both parties will co-operate with each other for early disposal of the suit. Statement accepted.
7. Consequently, Interim Application, if any also stands disposed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)