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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.1073 OF 2022
WITH
INTERIM APPLICATION NO.20188 OF 2022
IN
APPEAL FROM ORDER NO.1073 OF 2022**

Shankar Dayal Ram Swaroop Tiwari ...Appellant/Applicant

vs.

Matoshree Properties Pvt. Ltd. & Ors. ...Respondents

....

Mr. I.K. Tripathi, i/b. C.K. Tripathi, for the Appellant.

....

CORAM : R.N. LADDHA, J.

DATE : 28 FEBRUARY 2024

P.C. :

. After hearing the matter for some time, the learned Counsel for the appellant, on instructions, seeks leave to withdraw this appeal.

2. Leave granted as prayed for.

3. The appeal stands dismissed as withdrawn.

4. Taking into consideration the peculiar facts of the case and the fact that the suit is pending since the year 2020, the learned trial court is requested to expedite the hearing of the suit and to decide the

same on its own merits uninfluenced by the withdrawal of this appeal and decide the suit on its own merits preferably within eight months from the receipt of this order.

5. It is made clear that this Court has not examined the merits of the matter and all contentions of the parties are expressly kept open.

6. The present appeal from order stands disposed of.

7. As a sequel, the pending interim application also disposed of.

(R.N. LADDHA, J.)