

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.1043 OF 2023
WITH
INTERIM APPLICATION NO.18088 OF 2023
IN
APPEAL FROM ORDER NO.1043 OF 2023**

Kalyan Govind Borade ...Appellant/Applicant

vs.

Agility Infrastructure Pvt. Ltd. And Ors. ...Respondents

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Ms. Indira Labde, for the Appellant.

Mr. Girish Godbole, Senior Advocate, a/w. Mr. Samit Shukla, Ms. Saloni Shah and Mr. Mustafa Nulwala, i/b. DSK Legal, for the Respondents.

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CORAM : R.N. LADDHA, J.

DATE : 13 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 from order.

2. Leave granted as prayed for. The Appeal from Order stands dismissed as withdrawn.

3. Taking into consideration the peculiar facts of the case, the

learned trial court is requested to expedite the hearing of the notice of motion and to decide it preferably within eight weeks from the receipt of this order.

4. The parties are directed to appear before the trial court on 20 February 2024. Needless to state that this Court has not examined the merits of the matter and all contentions of the parties are left open.

5. In view of the disposal of the appeal from order, pending application does not survive and is disposed of.

(R.N. LADDHA, J.)