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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 478 OF 2024
WITH
INTERIM APPLICATION NO. 11158 OF 2024
IN
SECOND APPEAL NO. 478 OF 2024**

Shri Satyashil Somnath Kadam

.....Appellant

Vs.

Mohmad Yunnus Haji Abdul Sattar
Qureshi and anr

.....Respondents

Ms. Deepa Kamath for the appellant
Mr. Pradeep Salgar for respondents

CORAM : GAURI GODSE, J.

DATE : 5th AUGUST 2024

ORDER:

1. Learned counsel for the appellant seeks leave to withdraw the appeal with liberty to adopt appropriate proceedings by filing the writ petition to challenge the impugned order. She further submits that by the impugned decree, appellant was granted 90 days time to hand over possession. She further requests that, to enable the appellant to file appropriate proceedings, time granted by the Appellate Court be

extended.

2. Learned counsel for the respondent opposes extension of any protection.

3. Leave granted with liberty as prayed. Second appeal is disposed of as withdrawn with liberty to file appropriate proceedings as permissible in law.

4. In view of disposal of second appeal, pending Interim Application No. 11158 of 2024 is disposed of as infructuous.

5. Considering that time was granted by the first Appellate Court, I am inclined to extend the time for a period of four weeks from today.

6. Hence, time to hand over possession granted by the first Appellate Court is extended by four weeks from today, subject to the defendants not creating third party interest or parting with possession of the suit property.

[GAURI GODSE, J.]