

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

CITY CIVIL COURT APPEAL NO: 41 OF 2022

Appeal filed under the Section 96 of the Code of Civil Procedure against the Judgment and Decree dated 22-12-2021 passes in O.S.No. 61 of 2021 on the file of the court of the IV Senior Civil Judge, City Civil Court at Hyderabad.

Between:

Jasvinderpal Singh Sarna @ Mintu Sarna, S/o. Late Mangal Singh Sarna, Aged 48.years R/o.Mulgi No. 6-3-246/1, Unit No. 1,Ground Floor, Road No. 1, Banjara Hills,Hyderabad.

...APPELLANT/DEFENDANT

AND

Hafsa Moosa, W/o Late Md. Moosa, Aged about 48 years, Occ. Landlady, R/o Plot no. 19, Kartik Enclave, Near Diamond Point Hotel, Sikh Road, Secunderabad.

...RESPONDENT/PLAINTIFF

IA NO: 1 OF 2022

Petition under Order 41 Rule 5(2) R/w Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an order to stay all further proceedings including execution of the decree dated 22-12-2021 in O.S.No. 61 of 2021 passed by in IV Senior Civil Judge, City Civil Court at Hyderabad, pending the disposal of the above appeal.

Counsel for the Appellant: SRI KISHORE RAI

Counsel for the Respondent: SRI MAMIDI AVINASH REDDY

The Court delivered the following: JUDGMENT

THE HON'BLE SRI JUSTICE SAMBASIVARAO NAIDU

C.C.C.A.NO.41 OF 2022

JUDGMENT:

This appeal has been preferred by the appellant who is the defendant in O.S.No.61 of 2021 on the file of IV Senior Civil Judge, City Civil Court, Hyderabad, challenging the Judgment and decree in the above referred suit.

2. Today when the matter is taken up for hearing learned counsel for the appellant informed this Court that the appellant while handing over the key of the premises is seeking permission to withdrawn the appeal.

3. Learned counsel for the respondent raised an objection on the ground that there is huge outstanding amount to be paid by the appellant, and even as per the orders of this Court it is more than one Crore, and if he is required to raise invoice, he need to pay income tax. Therefore, he sought time for getting instructions from the client.

4. However, since the appellant is interested to withdraw the appeal, counsel is permitted to withdraw the appeal on depositing costs of the appeal.

5. Accordingly, this appeal is dismissed as withdrawn.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

Sd/- M. RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To,

1. The IV Senior Civil Judge, City Civil Court, Hyderabad.(with records)
2. One CC to Sri Kishore Rai, Advocate [OPUC]
3. One CC to Sri Mamidi Avinash Reddy, Advocate [OPUC]
4. Two CD Copies

Plp/gh

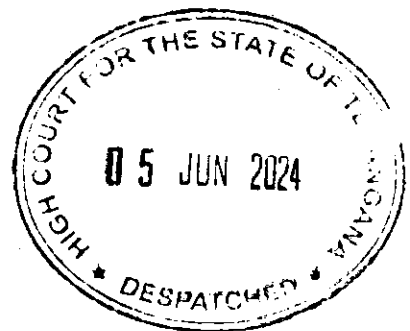
CHR

HIGH COURT

DATED:20/03/2024

JUDGMENT

CCCA.No.41 of 2022



**DISMISSING THE APPEAL
AS WITHDRAWN.**

⑥ CHR
6/5/24