



Swapnil



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 158 OF 2015**

Jitu Ghanshaym Kashyap. ... Appellant

Vs.

Harnam Residency Apartments

Association. ... Respondent

Ms. Sharwari Copes i/b. Mr. Neeta Karnik for the appellant.

CORAM : GAURI GODSE, J.

DATE : 24th APRIL 2026

ORDER :

1. This second appeal is preferred by the original plaintiff to challenge the order passed by the first appellate court and the trial court holding that the civil court's jurisdiction was barred to entertain the dispute about the meetings held and the election of office bearers of the co-operative society in question.

2. The trial court had decided the preliminary issue holding that the civil court had no jurisdiction to try and entertain the Regular Civil Suit No. 387 of 2012 filed by the appellant. The trial court's operative order reads as under :

ORDER



- “1. The jurisdiction of this court is expressly barred.
2. Plaintiff is at liberty to withdraw suit and file it before proper forum, within one month from this order and in case of plaintiff’s failure to withdraw the suit, suit is deemed to be dismissed.”
3. This order passed by the trial court was challenged by filing first appeal. The first appeal is dismissed. Hence, this second appeal.
4. Learned counsel for the appellant on instructions seeks leave to withdraw this second appeal with permission to avail the liberty granted by the trial court on 27th July 2012.
5. Leave granted with liberty as prayed.
6. The second appeal is disposed of as withdrawn with permission to the appellant to avail the liberty granted by the trial court.
7. The second appeal is disposed of as withdrawn subject to aforesaid permission.

[GAURI GODSE, J.]