

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 63 OF 2013

M/S T.V. SUNDARAM IYENGAR AND SONS
LTD. THROUGH ITS AUTHORISED
SIGNATORY MR. DAYANAND PAI.,

... Appellant

Versus

THE GOA STATE CO-OPERATIVE BANK
LTD AND 2 ORS.,

... Respondents

Mr. R. G. Ramani, Advocate for the appellant.
Mr. S. R. Rivankar, Advocate for the respondent No.1.

Coram:- C. V. BHADANG, J.

Date:- 22nd July, 2015

P.C.

Heard Mr. Ramani, the learned counsel for the appellant and Mr. Rivankar, the learned counsel for the respondent Nos.1 and 2.

2. The second appeal challenges the judgment dated 31 January 2013 passed in Regular Civil Appeal No.61/2011, by which the appeal filed by the appellant herein was dismissed, thereby confirming the order, refusing to set aside the exparte decree. It is now submitted that suit itself is dismissed as abated and therefore nothing would survive in the second appeal. Mr. Ramani, the learned counsel for the appellant, on instructions, seeks permission to withdraw the second appeal.

3. Accordingly, the second appeal is dismissed as withdrawn, with no order as to costs.

C. V. BHADANG, J.

ssk