

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 25 OF 2015

SOCIETY OF TARIS, VOLVOI REP. THR.
ATTORNEY OF BOARD OF ADMRS.,
MR.TULSHIDAS S. VOLVIKAR AND 2
ORS.,

... Appellants

Versus

SHRI. PRABHAKAR GOVIND TARI AND 11
ORS.,

... Respondents

Shri Gajendra Usgaonkar, Advocate for the Appellants.
Shri Sudin Manohar Usgaonkar, Advocate for the Respondent Nos.
1, 2 and 3.

Coram:- C. V. BHADANG, J.

Date:- 25th June, 2015

P.C:

Heard Shri Gajendra Usgaonkar, learned Counsel for the appellants and Shri Sudin Usgaonkar, learned Counsel for the respondent nos. 1, 2 and 3.

2. There is an issue of maintainability raised with regard to the impugned order passed under Order 1 Rule 6 of the Code of Civil Procedure, which is not amenable to an appeal under Section 104 read with Order 43 of the Code of Civil Procedure. Faced with this difficulty, the learned Counsel for the appellants seeks permission to withdraw this appeal with liberty to file appropriate proceedings, challenging the impugned order.

3. In such circumstances, the appeal is disposed of as withdrawn, with liberty as prayed.

C. V. BHADANG, J.

EV