

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

FIRST APPEAL NO.80 OF 2002

Smt. Kashibai Jadaoji Rathod and ors

..vs..

Smt. Neela Prabhulal Rathod and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

**Shri Rohit Joshi, counsel for the appellants.
Shri A.C. Dharmadhikari, counsel for R-1.**

**CORAM : A. S. CHANDURKAR, J.
DATED : APRIL 16, 2015**

Heard.

Learned counsel for the appellants on instructions seeks permission to withdraw the first appeal with liberty to raise the aspect of set-off in the final award proceedings which are pending before the Arbitrator. The liberty sought by the appellants to raise the issue of set-off before the Arbitrator is opposed by learned counsel for respondent No.1 on the ground that such course is not permissible in law.

The appellants are permitted to withdraw the present first appeal and they are at liberty to claim set-off in the final award proceedings in accordance with law.

The objections of respondent No.1 in that regard are kept open.

The first appeal is permitted to be withdrawn in aforesaid terms.

JUDGE

!! BRW !!