

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Appeal from Order NO. 220 OF 2015

The Bombay Municipal Corporation Radium Co-operative
Housing Society Ltd. ...Appellant

Versus

M/s. Anuj Builders, & Ors. ...Respondents

Mr. Vaibhav Sugdare i/b. Thakordas Madgavkar, for the Appellant.

CORAM : G.S. KULKARNI, J.

DATE : 21 NOVEMBER 2016.

PC. :

1. Learned Counsel for the Appellant fairly states that this appeal has been filed against an order dated 30 September 2014 whereby the suit is dismissed for non-prosecution. It is submitted that an Appeal under Order 43 Rule 1 of Code of Civil Procedure in that case would not be maintainable. He seeks leave to withdraw this appeal with liberty to file appropriate proceedings as permissible in law.

2. The Appeal is allowed to be withdrawn with liberty as prayed for. The Appeal is accordingly disposed of as withdrawn.

(G.S.KULKARNI, J.)