

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.234 OF 2015
ALONGWITH
CIVIL APPLICATION NO.292 OF 2015**

Suresh Cheddha

.. Appellant

Versus

Chekavars Auto Care and others

.. Respondents

Mr. S. A. Bhagwat i/by H. H. Nagi Associates for the Appellant.

Mr. Santosh T. Kanchar for the Respondents.

CORAM : R.M. SAVANT, J.

DATE : 2nd AUGUST 2016

PC.

1 The Learned Counsel appearing for the Respondents Mr. Santosh T. Kanchar undertakes to file Vakalatnama within one week. Statement accepted.

2 The challenge raised in the above Appeal from Order is to an order rejecting the Notice of Motion filed by the Appellant/original Defendant for taking the written statement on record by condoning the delay. Having regard to the said challenge, an Appeal from Order would not lie. The Learned Counsel appearing for the Appellant therefore seeks

withdrawal of the above Appeal from Order with liberty to file appropriate proceedings. The Appeal from Order is accordingly allowed to be withdrawn with liberty as prayed for.

2 In view of the withdrawal of the Appeal from Order, the Civil Application does not survive and to accordingly stand disposed of. On filing of the appropriate proceedings, the same to be served on the other side as also on the Learned Counsel appearing for the Respondents Mr. Santosh T. Kanchar who would inform the Respondents on being served.

[R.M. SAVANT, J]