

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

SECOND APPEAL NO.179/2015

(Shri Naveen Bhojraj Lakhotiya and others vs. Indumati Nilkanth Athalya and another)

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

Court's or Judge's order

Mr. S.A. Mohta, Advocate for appellants
 Mr R.D.Bhuibhar, Advocate for Respondent Nos.1 and 2

CORAM: A.B.CHAUDHARI, J.

DATED : 29th February, 2016.

Heard.

Upon instructions, Mr. S.A.Mohta, learned counsel for the appellants seeks permission to withdraw the instant Second Appeal.

It is not in dispute that the main Suit is still pending before the Court below, but the matter came to this Court on the question of valuation of Suit and payment of court fees. I think the counsel for the appellants is right in asking for a liberty to have the said issue framed and decided one way or the other in the main suit, of course, subject to the opposition by the present respondents, right from the stage of framing of issues and thereafter, that is, evidence and so on.

In the light of the above observations, granting liberty for appellants, Second Appeal No.179/2015 is disposed of as withdrawn. No order as to costs.

JUDGE

safare