

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

**APPEAL FROM ORDER (ST) NO.2769 OF 2017
WITH
CIVIL APPLICATION (ST) NO.2770 OF 2017
IN
APPEAL FROM ORDER (ST) NO.2769 OF 2017
WITH
CIVIL APPLICATION (ST) NO.2771 OF 2017
IN
APPEAL FROM ORDER (ST) NO.2769 OF 2017**

Mahendra Babulal Shah & Anr. ..Appellants/Applicants
V/s.
Kirtikumar Babulal Shah & Anr. ..Respondents

Mr.P.M. Shah a/w Ms.Meetal Savla for the Appellants/Applicants.

CORAM : M. S. SONAK, J.

DATE : 14 FEBRUARY 2017.

P.C.

1. As against the impugned order, appeal from order in terms of order 43 Rule 1 of C.P.C. will not be maintainable. Accordingly, the learned counsel for the appellant seeks leave to withdraw this appeal with liberty to take out appropriate proceedings to challenge the impugned order. Leave is granted. The appeal is disposed of as withdrawn with liberty as prayed for. The Civil Application does not survive and the same is disposed of.

(M. S. SONAK, J.)