

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 63 OF 2017
WITH
CIVIL APPLICATION NO. 87 OF 2017

Nensee Constructions Pvt. Ltd. .. Appellant
VS.
Madhav Singh Gordhandas & Ors. .. Respondents

Mr. G. Upadhyay i/b. Law Juris for Appellant.

CORAM : M. S. SONAK, J.
DATE: 14 FEBRUARY 2017

P.C :

- 1] Upon production, taken on board.
- 2] This appeal from order is against the order dated 20 August 2016, by which the appellant's notice of motion seeking rejection of plaint under Order VII Rule 11(a) of the CPC came to be dismissed with exemplary costs.
- 3] As against such an order, no appeal from order is maintainable under Order XLIII Rule 1 of the CPC.
- 4] At this stage, learned counsel for the appellant seeks leave to withdraw this appeal with liberty to take out appropriate proceedings to question the impugned order dated 20 August 2016. There is no difficulty in accepting such a request. Accordingly, this appeal from order and civil application are disposed of as withdrawn with liberty as prayed for.

(M. S. SONAK, J.)