

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

WRIT PETITION NO.1828 OF 2018

All Metals India Pvt. Ltd.

Through its Director

....Petitioner

V/s.

M/s. K.P.P.S.Engineering & Ors.

....Respondents

Ms Manjiri S. Parasnis for the Petitioner.

Mr. Jayesh Kocheta for the Respondents.

CORAM : M.S. SONAK, J.

DATE : 1st MARCH, 2018

P.C.

1. As against the impugned order, which is related to Section 114 and Order 47 of the Code of Civil Procedure, 1908 an appeal will lie under Order 43 Rule 1(w) of the CPC. Accordingly, the learned counsel for the petitioner seeks leave to withdraw this petition with liberty to institute the appeal against the impugned order.

2. The learned counsel for the petitioner states that the appeal will be filed within a period of 15 days from today. If the appeal is filed within 15 days from today, then the period spent by the petitioner in this Court may be excluded or in any case, the delay involved in the said appeal on account of the said period may be treated as properly explained.

3. With the aforesaid reasons, this petition is disposed of as withdrawn with liberty to institute appeal against the impugned order.

(M.S. SONAK, J.)