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

**APPEAL FROM ORDER NO.541 OF 2017
WITH
CIVIL APPLICATION NO.697 OF 2018**

Shripad Anant Mhatre
Through P.O.A.

... Appellant

V/s.

Nandkumar Bhalchandra Mhatre
and anr

... Respondents

Mr. Kedar G. Prabhu, for the appellant.

Mr. Drupad S. Patil, for respondent Nos. 1 & 2.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th SEPTEMBER, 2018.

P.C. :

1] Learned counsel for respondent points out that the valuation of the suit claim is Rs.1,000/- is stated in the plaint. Therefore, the Appeal against the order passed in the said suit will lie to the District Court.

2] In view thereof, learned counsel for the appellant seeks leave to withdraw the appeal with liberty to file appropriate proceeding before the appropriate forum.

3] The appeal therefore, stands disposed off as withdrawn with liberty as prayed for.

4] In view of withdrawal of Appeal, Civil Application therein stands disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]