

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

APPEAL FROM ORDER NO.139 OF 2017

Sou.Chandrakala Krushna Dhole
through her Power of Attorney holder
Krushna Dhole

... Appellant

Vs.

Hanmant Haridas Kadam & Ors.

... Respondents

Mr.V.S. Talkute for the Appellant

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: FEBRUARY 12, 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. Learned Counsel for the appellant submits that this appeal is directed against the order under Order 41 Rule 23A of the Code of Civil Procedure directing the trial Court to retry the suit afresh. The learned Counsel submits that the order is of 4.10.2016 and he does not want to press this appeal. However, he submits that the Suit is of 2003 which is pending on the file of the learned 2nd Joint Civil Judge, Junior Division, Pandharpur and it be expedited. In view of this, he submits that he be allowed to withdraw the appeal.

3. In view of the submission of the learned Counsel for the appellant, the appeal is allowed to be withdrawn. The trial Court to expedite the suit as it is of 2003 and decide the same on or before 30.9.2018. Parties to cooperate with the learned trial Judge.

4. Appeal is disposed of accordingly. Civil Application also stands disposed of.

(MRIDULA BHATKAR, J.)