

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

**APPEAL FROM ORDER NO. 647 OF 2015
WITH
CIVIL APPLICATION NO. 800 OF 2015
IN
APPEAL FROM ORDER NO. 647 OF 2015**

Sitabai Dharmaraj DhiwareAppellant
v/s.
Ashok Lalchad Jain & Ors.Respondents

Mr. A.R. Pitale i/b. Sanjay Patil for the appellant.
Mr. N.R. Bubna for the respondents.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 13th MARCH, 2018.**

P.C. :-

- . Not on board. Upon mentioning, taken on production board.
2. Mr. A.R. Pitale, learned counsel for the appellant, under instructions from the representative of the appellant who is present before the Court submits that the appellant does not wish to challenge clause 1(a) of the operative part of the impugned order dated 17th November, 2014. He further submits that subsequent to the filing of the appeal, original plaintiff has already deposited the

court fee, in view of which, the relief granted in clause 1(b) of the operative part of the order dated 17th November, 2014 does not survive.

3. In view of the above, learned counsel for the appellant seeks leave to withdraw the appeal. Leave is granted. Appeal is dismissed as withdrawn. Civil Application No.800 of 2015 does not survive in view of the dismissal of the appeal. It is made clear that this Court has not gone into the merits of the case and all points and contentions of the parties, which are to be decided for merits of the matter, are kept open.

(SMT. ANUJA PRABHUDESSAI, J.)