

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL APPEAL NO. 439 OF 2018

IN

COURT RECEIVER REPORT NO. 220 OF 2017

IN

COMMERCIAL EXECUTION APPLICATION NO. 4 OF 2017

WITH

NOTICE OF MOTION (L) NO. 352 OF 2018

WITH

CHAMBER SUMMONS (L) NO. 1263 OF 2018

Ashok Mohan Vernekar & Ors.

...Appellants

Versus

Kehsav Constitution Co. & Ors.

...Respondents

Mr. V.P. Sawant, a/w Mr. Shivaji Masal, for the
Appellant/Applicant.

Mr. Vishal Talsania, with Mr. Amit Shroff, for the Respondent
No. 1.

**CORAM : B.R. GAVAI &
RIYAZ I. CHAGLA, JJ.**

DATE : 27 November 2018

ORDER :

1. The learned Counsel for the Appellant seeks liberty to withdraw the Appeal by adopting such remedy as available in law, after the matter was argued at some length and when the Court observed that the Appeal is not tenable. This in view of the Judgment of the Division Bench of this Court in a case of *Sushila Singhania (Smt.) & Ors. Vs. Bharat Hari Singhania & Ors.*¹.

2. Hence, the Appeal is disposed of as withdrawn.

3. Needless to state that this Court has not gone into the merits of the case. The issues raised in the Appeal are kept open.

4. In view of dismissal of the Appeal, the Notice of Motion and the Chamber Summons stand disposed of.

[RIYAZ I. CHAGLA J.]

[B.R. GAVAI, J.]

¹ 2017(4) Bom.C.R. 348