

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

SECOND APPEAL NO.44 OF 2017

(Shrikant Dadaji Pabbanwar and another ..vs.. Mrs. Sindhu wd/o Baldeo Rade)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Ghate, Counsel for the appellants,
Shri Abhijit Deshpande, Counsel for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 21-11-2018

A preliminary objection is raised by Shri Abhijit Deshpande, learned Counsel for the respondent that appeal under Section 100 of the Civil Procedure Code is not maintainable.

2. Shri S.S. Ghate, learned Counsel for the appellants seeks permission to withdraw the second appeal. He would further submit that the interim order may be continued for a period of four weeks and the court fees paid be refunded.

3. The appeal is disposed of as withdrawn with liberty to prefer writ petition.

4. The registry to refund the court fees in accordance with rules.

5. The interim order dated 27-4-2017 shall continue to operate for a period of four weeks.

JUDGE

adgokar