

Tikam

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

APPEAL FROM ORDER (ST) No.13287 OF 2019
WITH
CIVIL APPLICATION (ST) No. 13288 OF 2019
IN
APPEAL FROM ORDER (ST) No.13287 OF 2019

Mrs. Amarpreetkaur Chadha And Anr.

...Appellants/
Applicants

Vs.

Mahesh Rasiklal Shah and Anr.

...Respondents

Mr. Ravish Mishra i/b. V.B. Dhingraja for Appellants

CORAM : SHRI K.K. TATED, J.

DATE : MAY 02, 2019

P.C.:

1. Not on Board. At the request of learned counsel for the Appellants/Applicants matter is taken on board.
2. Heard learned counsel for the parties.
3. Learned counsel for the Appellants submits that against the impugned order dated 3rd April, 2019 passed by the Bombay City Civil Court at Bombay in Summons for Judgment No. 224 of 2016 in Summary Suit No. 469 of 2016, Appeal from order is not maintainable. Hence, he received instructions from his client to withdraw the present proceeding with liberty to file separate proceeding for the same cause of action.
- 4 To that effect he has given in writing. The same is taken on record and marked 'X' for the purpose of identification. The same is accepted.

5. Appeal from order as well as Civil Application stand dismissed as withdrawn with liberty to to file appropriate proceeding against the impugned order passed by the trial court.

[K.K. TATED, J.]

Tikam