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

APPEAL FROM ORDER ST. NO. 27449 OF 2015

The Branch Manager
Shri Warana Sahakari Bank Ltd. ..Appellant
vs.
Shri Annaso Kalappa Upadhye ..Respondent

WITH

CIVIL APPLICATION NO. 1364 OF 2015

IN

APPEAL FROM ORDER ST. NO. 27449 OF 2015

WITH

CIVIL APPLICATION ST. NO. 27452 OF 2015

IN

APPEAL FROM ORDER ST. NO. 27449 OF 2015

The Authorised Officer
Shri Warana Sahakari Bank Ltd. ..Applicant
vs.
Shri Annaso Kalappa Upadhye ..Respondent

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Mr. Vishwajeet S. Kapse for appellant/applicant.
Mr. Akshay Kulkarni i/b. Akshay Shinde for respondent.

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CORAM : M.S.KARNIK, J.

DATE : 8th JULY, 2019

P.C. :

Learned Counsel for respondent raised an objection that the Appeal from Order is not maintainable.

2. Learned Counsel for appellant invited my attention to the provisions of Order 43 Rule 1 (t) and the provisions of Order 41 Rule 19 of the Code of Civil Procedure. Upon going through the provisions, learned Counsel for the appellant fairly stated that this Appeal from Order will not be maintainable. He therefore seeks leave to withdraw the Appeal with liberty to approach appropriate forum by filing appropriate proceeding.

3. The Appeal is allowed to be withdrawn as not maintainable.

4. The period bonafide spent in prosecuting the present Appeal will obviously enure to the benefit of the appellant in seeking condonation of delay in filing appropriate proceedings challenging the impugned order.

5. The Appeal is disposed of as withdrawn with liberty as prayed for.

6. In view of the disposal of the Appeal, nothing survive for consideration in the Civil Applications. The Civil Applications are disposed of.

(M.S.KARNIK, J.)