

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

LETTERS PATENT APPEAL NO. 403 OF 2008

IN

WRIT PETITION NO. 4106 OF 2008 (D)

(SAHEBKHAN KARIMKHAN MUSALMAN...VS. VASANT SHAMRAOJI MANGALEKAR & OTH.)

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

Court's or Judge's orders

Shri M.D.Lakhey, Advocate for Appellant.
 Shri D.S.Dharaskar, Advocate for Respondent.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : DECEMBER 11, 2020.

Shri M.D.Lakhey, Advocate for the appellant, on instructions, seeks permission to withdraw the Letters Patent Appeal.

Shri D.S.Dharaskar, Advocate for the respondent submitted that the Letters Patent Appeal is not maintainable as it arises out of the proceedings before the Civil Court. He relies on the judgment given in the case of *Surya Dev Rai ..vs.. Ram Chander Rai & Oth.*, reported in **AIR 2003 SC 3044** (particularly Paragraph No.24).

The learned Advocate for the appellant disputes the proposition put-forth by the Advocate for the respondent.

Be that as it may, as the appellant seeks permission to withdraw the appeal, without examining the merits of the contentions and merits of the matter, the Letters Patent Appeal is **dismissed** as withdrawn. No Costs.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)