

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 30 OF 2021
WITH
INTERIM APPLICATION NO. 1256 OF 2020**

Smt. Sumitra Rani & Ors.

... Appellants

V/s.

Dilip Motumal Duhilani

... Respondent

Mr.Eknath R. Dhokale for Appellants.

CORAM : A.S. GADKARI, J.**DATE : 13th December 2021.****PC. :**

1. The present Appeal From Order impugning Order dated 7th December 2019 passed by learned Judge, City Civil Court, Mumbai in Notice of Motion No. 3248 of 2018 in S.C. Suit No. 9376 of 1995 is not maintainable under Order 41 Rule 1 of the Civil Procedure Code.

2. Learned Counsel for Appellants therefore on instructions seeks leave to withdraw the present Appeal with liberty to file a substantive Petition impugning the said Order dated 7th December 2019.

Leave and liberty granted.

3. Appeal is disposed off as withdrawn with aforesaid liberty.

4. In view of disposal of Appeal, Interim Application No. 1256 of 2020 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]