

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER (ST.) NO. 11444 OF 2021****WITH****INTERIM APPLICATION NO. 2319 OF 2021**

Smt. Latha Vishwanathan ... Appellant/Applicant

V/s.

Harishchandra R. Poojari & Ors. ... Respondents

Mr.T. Antony Koshy for Appellant/Applicant.

CORAM : A.S. GADKARI, J.

DATE : 7th December 2021.

PC. :

1. The present Appeal from Order against an Order dated 3rd April 2021 passed in Notice of Motion No. 609 of 2021 in S.C. Suit No. 5364 of 1993 is not maintainable, as the said impugned Order do not fall in any of the categories as mentioned in Rule-1 of Order-43 of Civil Procedure Code.

2. Learned counsel for Appellant therefore seeks leave to withdraw the present Appeal with liberty to file a substantive Petition impugning the said Order dated 3rd April 2021.

Leave and liberty granted.

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 Appeal is disposed off as withdrawn with aforesaid liberty.

4. In view of disposal of Appeal, Interim Application No.2319 of 2021 does not survive and is accordingly disposed off.

5. It is made clear that, this Court has not adjudicated the issue involved in the present Appeal on its merits and it is disposed of only on the ground of preliminary objection.

[A.S. GADKARI, J.]

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