

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 627 OF 2019****WITH****CIVIL APPLICATION NO. 711 OF 2019**

Mr. Ghanshyam Kamla Gupta

... Appellant

V/s.

M/s. Allstate Comserve Private Limited

... Respondent

Mr. Joseph G. Thattil i/b. Thattil And Co. for Appellant.

Ms. Shivali Khadke a/w Mr. Deepak Jamsandekar for Respondent.

CORAM : A.S. GADKARI, J.**DATE : 8th DECEMBER, 2021.****PC. :**

1. At the outset, learned Advocate appearing for the Respondent raised a preliminary objection and submitted that, present Appeal from Order against the impugned Order dated 15th March 2019 passed in Notice of Motion No.2990 of 2017 is not maintainable, as the impugned Order has been passed under Order 8 Rule 1 of the Code of Civil Procedure.

2. Facing with the said difficulty, learned Advocate for the Appellant seeks leave to withdraw present Appeal from Order with liberty to file a substantive Writ Petition impugning the same Order dated 15th March 2019.

Leave and liberty granted.

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 Appeal is disposed off as withdrawn with aforesaid liberty.

4. In view of withdrawal of Appeal itself, Civil Application No.711 of 2019 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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