

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO.421 OF 2021
WITH
INTERIM APPLICATION NO. 3268 OF 2021**

Anilkumar Gulabchand Jain @ Anil Rathod ... Appellant
V/s.
The Municipal Corporation of Greater Mumbai & Ors. ... Respondents

Mr.Vikhil Dhoka a/w Mr.Pradeep Bhat & Ms. Sushma Soni i/b.M/s. GM Legal
for Appellant.
Smt.Madhuri More for Respondent-MCGM.

CORAM : A.S. GADKARI, J.
DATE : 15th November, 2021.

PC. :

1. The present Appeal from Order under Order 43, Rule 1 of the Code of Civil Procedure is not maintainable against the Order passed under Order 26, Rule 9 of C.P.C.

2. In view thereof, learned counsel appearing for the Appellant seeks leave to withdraw present Appeal with liberty to file a substantive Petition impugning the same Order dated 5th October, 2021.

Leave and liberty granted.

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 Appeal is disposed off as withdrawn with aforesaid liberty.

4. Record indicates that, the Appellant has been protected by way of

ad-interim relief by the Trial Court by its Order dated 18th December, 2020 in Notice of Motion No. 187 of 2020 and the same Order has been continued from time to time and is in operation up to 17th November, 2021.

5. In view thereof, ad-interim granted by the Trial Court by Order dated 18th December, 2020 passed in Notice of Motion No.187 of 2020 is further extended by two weeks from today.

6. In view of withdrawal of Appeal itself, Interim Application No.3268 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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