

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 426 OF 2021**

Bhaichand Amoluk & Company ... Appellant
V/s.
The Municipal Corporation of Gr. Mumbai & Anr. ... Respondents

Mr.Farhan Dubhash a/w. Ms.Minal Dedhia i/b. Malvi Ranchoddas & Co. for Appellant.
Ms.Unnati Bane a/w. Mr.Aditya M. i/b. Navdeep Vora & Associates for Respondent No.2.

CORAM : A.S. GADKARI, J.
DATE : 16th November 2021.

PC. :

1. The present Appeal from Order filed under Order 43 Rule 1 of the Civil Procedure Code impugning the Order dated 4th October 2021 in Notice of Motion No.402 of 2021 in Suit No. 1628 of 2009, passed by Adhoc Judge (C.R.No.5), City Civil Court, Gr. Mumbai is not maintainable.

2. In view thereof, the learned counsel appearing for Appellant seeks leave to withdraw the present Appeal with liberty to file a substantive Petition impugning the said Order dated 4th October 2021.

Leave and liberty granted.

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 Appeal from Order is disposed off as withdrawn with aforesaid liberty.

[A.S. GADKARI, J.]