

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***APPEAL FROM ORDER NO.323 OF 2021
WITH
INTERIM APPLICATION NO.2811 OF 2021***

M/s. Arma Hospitality Pvt. Ltd. ...Appellant
Vs
Mr. Hannan Fahad Ansari and Ors. ... Respondents
...

Mr. Sushil S. Upadhyay i/by Mr. A.M.Saraogi for the Appellant.

CORAM : SANDEEP K. SHINDE J.
DATE : APRIL 19, 2022.

P.C. :

This appeal challenges the order dated 23rd September, 2021, by which the learned trial Judge directed to issue notice to the defendants, before granting interim relief, sought by the appellant/plaintiff. Thus, appeal is directed against the order, ‘issuing notice’, which is not appellable under Order 43 read with 104 of the Code of Civil Procedure, 1908. In this premise, learned counsel for the appellant seeks leave to withdraw the appeal. Leave granted. Appeal stands disposed of as withdrawn.

2 The learned counsel for the appellant, on instructions, submits that Notice of Motion is listed before the trial Court on 26th April, 2022. If that be so, the learned trial Judge shall make an endeavour to decide the Notice of Motion No.1995 of 2021 in Short Cause Suit No.1914 of 2021, expeditiously.

3 Appeal is disposed of alongwith application therein.

(SANDEEP K. SHINDE, J.)