

Diksha Rane

Digitally
signed by
DIKSHA
DINESH
RANE
Date:
2022.09.26
16:35:45
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 877 OF 2022
WITH
INTERIM APPLICATION NO. 17999 OF 2022**

Mrs. Indu R. Kriplani thr. POA

Mr. Ranjit Kripalani

..Appellant

VS.

State Bank of India

..Respondent

Adv. Minal J. Chandnani a/w. Adv. Bhavesh C. Sawant, Adv.
Shahin Sayyed i/b. Adv. S.K. Pise for the appellant.
Adv. Ankit Tiwari a/w. Adv. V.B. Tiwari & Co. for respondent.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 2022.

P.C. :

1. An objection is raised by learned counsel for the respondent-bank that the present appeal is not maintainable under Order 43 of the Code of Civil Procedure (hereafter 'CPC' for short) as the order impugned is passed by the trial Court rejecting the plaint under Order VII Rule 11 of the CPC.

2. Faced with this submission and after having noticed the relevant provisions of the Order 43 of the CPC, learned counsel for the appellant, on instructions, seeks leave to withdraw this appeal.

3. Appeal is allowed to be withdrawn.

4. It is made clear that I have not made any observations on the merits of the contentions and it would

be open for the appellant to take recourse to appropriate remedy and apply for appropriate interim reliefs in accordance with law.

5. In view of the withdrawal of the appeal, nothing survives for consideration in the interim application. The same is also disposed of.

(M.S.KARNIK, J.)