

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO. 42 OF 2022

Shyam Gopal Saincher

Appellant

Versus

Ratan Gopal Saincher & others

Respondents

Mr. D. V. Chauhan, Advocate for the appellant.

Mr. R. S. Deshmukh, Senior Counsel instructed by Mr. Devang Deshmukh, Advocate for respondents No. 25 to 28.

Mr. V. R. Dhorde, Senior Counsel instructed by Mr. V. A. Bagadiya, Advocate for respondents No. 23 and 24.

CORAM : R. M. JOSHI, J.

DATE : 27th MARCH, 2023.

PER COURT :

1. Learned Senior Counsel for respondents raises objection to the maintainability of this appeal from order on the basis of jurisdiction in view of the valuation of the suit by the plaintiffs before the Trial Court.

2. When this Court has shown disinclination for entertaining the present appeal from order, learned counsel for the appellant, on instructions, seeks leave to withdraw the appeal with liberty to file appeal before the District Court.

3. Leave with liberty granted. Appeal from order stands dismissed as withdrawn. If such appeal is filed, learned District Judge to decide the appeal as expeditiously as possible and in any case within period of six months from filing of appeal.

4. Since this Court has not decided any issue on merit, all points are kept open.

(R. M. JOSHI)
Judge

dyb