

Sayali Upasani

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

APPEAL FROM ORDER NO. 108 OF 2023

WITH

INTERIM APPLICATION NO. 1359 OF 2023

Usman Mehboobsab Mulla

...Appellant/

Org. Decree

Holder

Vs.

Sana Javed Mulla and Anr.

...Respondents/

Org. Objectors

Mr. Prasad P. Kulkarni, for Appellant.

CORAM:- N. J. JAMADAR, J.

DATED:- 19th APRIL, 2023

PC:-

- 1) Heard the learned Counsel for the appellant.
- 2) The learned Counsel seeks leave to withdraw the Appeal with liberty to raise the ground of maintainability of the obstruction application before the executing Court.

Leave granted with liberty as prayed for.

3) If such a ground is raised, the executing Court shall decide the same in accordance with law without being influenced by observations in the impugned order.

4) In view of the disposal of the Appeal, the Interim Application does not survive and accordingly stands disposed of.

[N. J. JAMADAR, J.]