

Nikita

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

**SECOND APPEAL NO.444 OF 2023
WITH
INTERIM APPLICATION NO.14916 OF 2023
IN
SECOND APPEAL NO.444 OF 2023**

NIKITA
KAILAS
DARADE

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Date: 2023.12.22
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Arvind Balu Parab and Ors.

... Appellants

V/s.

Prem Devraj Josef and Ors.

... Respondents

Mr. Sagar G. Talekar for Appellants-Applicants
(through V.C.).

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 21, 2023

PC.:

- 1.** The appellants are challenging order of remand passed by the District Court in exercise of Order 41 Rule 23 of the Code of Civil Procedure, 1908. Against such order, the appellants have remedy by way of appeal from order under Order 43 Rule 1(U) of the Code of Civil Procedure, 1908.
- 2.** Learned advocate for the appellants, therefore, seeks permission to withdraw the second with liberty to file appeal from order.
- 3.** Permission, as prayed for, is granted.
- 4.** The second appeal stands disposed of as withdrawn with

liberty to file appeal from order.

5. Period of pendency of present second appeal shall be considered sympathetically.

6. In view of disposal of second appeal, interim application stands disposed of as infructuous.

(AMIT BORKAR, J.)