

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

**SECOND APPEAL NO.465 OF 2021
WITH
INTERIM APPLICATION NO.4134 OF 2021**

Mr. Mallinath Kadappa Hanji	...Appellant/Applicant
Versus	
Mrs. Jyosthna Mallinath Hanji	...Respondent

Mr. Prashant Raut i/b. Rupali Shinde, for the Appellant/Applicant.

Mr. Anoop V. Patil a/w Mr. Shashank Shubham, for the Respondent.

CORAM : MADHAV J. JAMDAR, J.

DATED : 16th JANUARY 2023

P.C. :

1. Learned Advocate appearing for the Appellant submits that by the impugned judgment and decree of the learned First Appellate Court, the decree passed by the learned Trial Court was set aside and the matter was remanded to the Trial Court and therefore, Second Appeal will not be maintainable. Learned Advocate for the Appellant seeks withdrawal of the Second Appeal with liberty to file appropriate proceedings.

2. In view of this, Second Appeal is allowed to be withdrawn with

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liberty to adopt appropriate proceedings.

3. It is clarified that this Court has not examined the merits of the matter and all the contentions on merits are expressly kept open.

4. In view of withdrawal of the Second Appeal, nothing survives in the Interim Application and the same stands disposed of.

5. However, the learned Advocate of the Appellant states that this Court has granted ad-interim relief on 17th December 2021 and seeks continuation of said order by period of three weeks from today. Accordingly, ad-interim order granted on 17th December 2021 in Second Appeal No.465 of 2021 with Interim Application No.4134 of 2021 to continue till 10th February 2023.

[MADHAV J. JAMDAR, J.]