

Santosh

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

APPEAL FROM ORDER NO. 165 OF 2023

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
KULKARNI
Date: 2023.04.27
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Gangabai Shashikant Thakur ...Appellant
Versus
M/s. Paradise Company & ors. ...Respondents

Mr. Akhilesh Upadhyay, for the Appellant.
Mr. Pravin Samdani, Senior Advocate, a/w Amogh Singh,
Pradeep Bakhre and Ms. Labdhi Mehta, i/b Wadia
Ghandy & Co., for Respondent No.1.

CORAM: N. J. JAMADAR, J.
DATED : 26th APRIL, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the appellant seeks leave to withdraw the appeal and file appropriate proceedings against the impugned order dated 4th August, 2022, whereby Notice of Motion No.3148/2021 came to be allowed in terms of prayer Clause (a): which was to reject the plaint. In effect the plaint stood rejected.
3. In view of the above, the appeal stands disposed as withdrawn with liberty to take out appropriate proceedings to assail the impugned order.

4. Time spent by the appellant in prosecuting this appeal shall be accounted for under Section 14 of the Limitation Act.

[N. J. JAMADAR, J.]