

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1233 OF 2023

WITH

INTERIM APPLICATION NO.17876 OF 2023

IN

FIRST APPEAL NO.1233 OF 2023

Mihir Kauntey Tanna : Appellant

Vs.

Indira Jitendra Shah : Respondent

Adv. Malhar Zatakia a/w Adv. Mr. Mujtaba Shaikh i/by Adv. Rajendra Rathod, for the Appellant.

Adv. Yatin R. Shah a/w Adv. Vipul Makuvana & Keyur Adhvaryu, for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 26TH MARCH, 2024

PC. :

1. Learned Advocate for the Respondent at the outset submits that this First Appeal is not maintainable. The order under challenge is an order passed granting leave to defend the Suit to the Defendant subject to depositing an amount of Rs.10,79,702/-. He submits that neither decree is passed nor this order is appealable order and thus no First Appeal would lie.

2. In view of this position Learned Advocate for the Appellant seeks leave to withdraw the Appeal with liberty to file appropriate proceedings.
3. Leave granted with liberty as prayed for.
4. Appeal stands disposed of as withdrawn.
5. Needless to say that, Interim Application stands disposed of.

(KISHORE C. SANT, J.)