

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 637 OF 2024
WITH
INTERIM APPLICATION NO. 12383 OF 2024

Mr. Salvador Michel Dias ... Appellant
Versus
Mrs. Elizabeth Anthony Dias And Another ...Respondent

Mr. Harshal Mirashi for the Appellant.

SNEHA
NITIN
CHAVAN

CORAM : M.M. SATHAYE, J.
DATE : 25th NOVEMBER 2024

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SNEHA NITIN
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Date: 2024.11.25
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P.C. :

1. Heard learned counsel for the Appellant.
2. The impugned order rejects Chamber Summons taken out for impleading a party in the suit. Apparently, the impugned order is passed under Order I Rule 10 of Code of Civil Procedure, 1908 ('CPC') which is not appealable under Order XXXVIII of the CPC. In that view of the matter, Appeal from Order is not maintainable.
3. At the request of learned counsel for the Appellant, the Appeal from Order as well as pending interim application are permitted to be withdrawn, with liberty to file appropriate proceedings as permitted under the law.

(M.M. SATHAYE, J.)