

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 9023 OF 2012
WITH
CIVIL APPLICATION NO. 9024 OF 2012
IN/AND
FIRST APPEAL (ST.) NO. 20469 OF 2012**

M. A. Quader S/o Haji Mohd. Ismail
Since deceased through L.Rs.
Nasir S/o M. A. Khader.

...Applicant

versus

Bapusaheb Appa Saheb Mohite & ors.

...Respondents

.....

None for the appellant.

Mr. G.R. Syed, Advocate for applicant in C.A. NO. 9024/12.

Mr. N. K. Chaudhari, Advocate for respondent Nos. 1 and 2.

Mr. M. D. Narwadkar, Advocate for respondent No. 4.

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CORAM : N.W. SAMBRE, J.

DATE : 18TH APRIL, 2015

ORAL ORDER :

For the reasons stated in the application, the delay caused in preferring First Appeal is condoned. As such, civil application for condonation of delay is allowed.

2. It is informed that the parties have settled the present matter and have placed on record the order passed by Adhoc District Judge-2, Aurangabad below Exhibit-48 and Exhibit-1.

3. None for the appellant though served.
4. In view of the order passed by the Executing Court, present first appeal stands dismissed.
5. So far as the amount deposited before this Court is concerned, respondent Nos. 1 and 2, in view of the compromise, certified copy of which is placed on record and marked Exhibits-'X' and 'Y' for identification, are permitted to withdraw the said amount with interest accrued thereon.
6. In view of dismissal of First Appeal, civil application for stay, stands disposed of.

[N.W. SAMBRE, J.]