

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1199 of 2010

In

Second Appeal No.432 of 1994

And

Second Appeal No.432 of 1994

(Shri Shridhar Sambhaji Mote v. Shri Nagnath Tulsiram Takbhate and
another)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri S.D. Paithane, Advocate for Appellant and Respondents.

Coram : R.K. Deshpande, J.

Dated : 30th June, 2015

1. Shri Paithane, the learned counsel, appears in the matter and submits that the appellant and the respondents both have settled the matter and he is, therefore, holding for both of them for disposal of the second appeal in terms of the settlement. He submits that Civil Application No.1199 of 2010 was filed by the appellant Shridhar Sambhaji Mote and he desires to withdraw this civil application. Hence, the appellant/original plaintiff Shridhar Sambhaji Mote is permitted to withdraw Civil Application No.1199 of 2010 unconditionally. Civil Application No.1199 of 2010, therefore, stands dismissed as withdrawn.

2. Shri Paithane, the learned counsel, further submits that the order dated 6-3-2014 passed by this Court be restored so as to dispose of the second appeal in terms of the settlement. In view of this, the order dated 6-3-2014 stands restored and Second Appeal No.432 of 1994 stands disposed of.

3. It may not be out of place to state here that the learned counsel invited my attention to the order dated 30-1-2015 passed by this Court in Review Petition Stamp No.20205 of 2014. The learned Single Judge (Shri R.G. Ketkar, J.) recalled the order dated 6-3-2014 disposing of the appeal as settled on the ground that ShriBabasaheb Shahaji Patil, at whose instance the Court passed this order, was not made a party in the proceedings and no orders were passed on Civil Application No.1199 of 2010. In view of the fact that the learned counsel for the appellant has withdrawn Civil Application No.1199 of 2010, there is no impediment in restoring the order dated 6-3-2014 passed by this Court recording the compromise. Needless to say that such compromise would not bind Shri Balasaheb Shahaji Patil and he shall be at liberty to adopt all such proceedings as are permissible in law to agitate his grievance in respect of the suit property.

Judge.

Lanjewar