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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.518 OF 2014

WITH
CIVIL APPLICATION (STAMP) NO.4213 OF 2015
IN
APPEAL FROM ORDER NO.518 OF 2014

Laxman D. Saste & Ors.	...Appellants
V/s.	
Smt.Shubhangi @ Usha A. Bhairat & Ors.	...Respondents

Mr.Pramod Pawar for the Appellants.

Mr.Prasad Kulkarni for the Respondent Nos.3 to 5.

CORAM : R.D. DHANUKA, J.
DATE : 21ST DECEMBER, 2016.

P.C. :-

1. Learned counsel appearing for the respondent nos.3 to 5, on instructions, states that his clients have already created third party rights in respect of the suit property on 17th June, 2014 and has agreed to furnish a copy of the said document to the appellants within two weeks from today. The statement made by the learned counsel appearing for the respondent nos.3 to 5 is accepted. In my view, in view of the statement made by the learned counsel for the respondent nos.3 to 5, this appeal from order does not survive.

2. However, it is made clear that this Court has not expressed any views on the merits of the impugned order. All contentions of the parties are kept open.

3. The appellants have filed separate Civil Application (Stamp) No.4213 of 2015 in this Court inter-alia praying for impleadment of the third party as party respondent to this appeal from order. Learned counsel appearing for the appellants seeks liberty to withdraw the said civil application with liberty to file appropriate application before the learned trial Court for impleadment of the third party and for seeking interim relief. The said civil application, which is not on board, is taken on board and is allowed to be withdrawn with liberty to file appropriate application before the learned trial Court, as prayed.

4. Civil Application (Stamp) No.4213 of 2015 is accordingly dismissed as withdrawn with liberty as prayed.

5. The appeal from order does not survive and is accordingly disposed of. No order as to costs.

(R.D. DHANUKA, J.)