

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.498 OF 2014
ALONGWITH
CIVIL APPLICATION NO. 1163 OF 2014

Swati Shrikant Ambekar

..... Appellant

VERSUS

**R.K.Satarawala,
deceased, through his L.Rs. & Ors.**

..... Respondents

Mr.Govind Sankpal for the Appellant.

Mr.A.A.Kumbhakoni, Senior Advocate, i/b. Ms.S.M.Dandekar for Respondent nos. 1 to 3.

Mr.Yogesh Dabke, A.G.P. for the Respondent no.4.

CORAM : R.D. DHANUKA, J.

DATE : 27th SEPTEMBER, 2016

P.C.

Learned counsel appearing for the appellants states that the appellant has already removed the impugned structure and seeks to withdraw this appeal. Appeal is dismissed as withdrawn. No order as to costs.

2. In view of dismissal of the second appeal, civil application does not survive and is also dismissed.

3. The statement of the learned counsel for the appellant that the impugned structure is removed by the appellant is disputed by Mr.Kumbhakoni, learned senior counsel for the respondent (original plaintiff). It is made clear that if the impugned structure is not removed by the appellant, the respondent can apply for execution of the impugned decree.

[R.D. DHANUKA, J.]