

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****SECOND APPEAL NO. 771 OF 2016****ALONGWITH****CIVIL APPLICATION NO. 1534 OF 2016****Smt.Nilabai Ashok Karande****..... Appellant****VERSUS****Arun Digambar Karande****..... Respondent**

Mr.Prashant Patil for the Appellant.

Mr.Ajay Joshi for the Respondent.

Mr.Sharad Ashok Karande, Son of the Appellant present.

**CORAM : R.D. DHANUKA, J.****DATE : 24<sup>th</sup> OCTOBER, 2016****P.C.**

Son of the appellant who is present in court has produced photocopy of the power of attorney executed by the appellant in his favour. A copy of the power of attorney is taken on record. Learned counsel appearing for the appellant submits that the copy of the power of attorney tendered across the bar is true copy of the power of attorney executed in favour of the son of the appellant who is present in court and has instructed him to make a statement on behalf of the appellant. Statement is accepted.

2. Learned counsel for the parties on instruction from their respective clients state that the second appeal may be disposed of without recording any reasons. The statement is accepted. Learned counsel appearing for the appellant on instruction from Mr.Sharad Ashok Karande, Son of the appellant who is present in court submits that his client will not disturb the possession of the respondent in

respect of the suit property. Learned counsel appearing for the respondent states that his client will not disturb the possession of the appellant in property bearing Gat No.105. Statements are accepted. Second appeal is disposed of in the aforesaid terms. No order as to costs.

3. In view of the disposal of the second appeal, Civil Application No.1534 of 2016 does not survive and is accordingly disposed of.

4. It is made clear that subject to this statements made by the respective parties as recorded aforesaid, the impugned decree passed by the first appellate court in Civil Appeal No.99 of 2013 is confirmed.

**(R.D.DHANUKA, J.)**