

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO.1536 OF 2016****IN****SECOND APPEAL NO.229 OF 1993****Popat Khanderao Malode,****Since deceased through heirs and legal representatives Applicants****VERSUS****Ganpat Khandrao Malode,****Since deceased through heirs & Ors. Respondents**

Mr.S.M.Railkar for the Applicants.

Mr.P.J.Thorat for Respondent nos. 2A to 2I, 11A to 11D and for the Applicants in Civil Application (St) No.25335 of 2016.

CORAM : R.D. DHANUKA, J.**DATE : 30th SEPTEMBER, 2016****P.C.**

Papers are allowed to be produced at 03.00 p.m.

2. Mr.Thorat, learned counsel for the applicants in Civil Application (St.)No.25335 of 2016 on behalf of his clients undertakes that if any order is passed by Supreme Court in the Special Leave Petition filed by the respondents in Civil Application (St.)No.25335 of 2016 and in Civil Application No.1536 of 2016 to return the amount allowed to be withdrawn by the order dated 23rd September, 2016 in Civil Application (St.)No.25335 of 2016, his clients will return the said amount to the applicants in the present civil application. Undertaking is accepted.

3. In view of the undertaking rendered by the learned counsel for the applicants in Civil Application (St.)No.25335 of 2016, I am not inclined to recall order dated

23rd September, 2016 passed by this court.

4. Civil application is disposed of in the aforesaid terms.
5. Office is directed to comply with the order dated 23rd September, 2016 passed in the Civil Application (St.)No.25335 of 2016 expeditiously. No order as to costs.

[R.D. DHANUKA, J.]