

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.162 OF 2016
IN
CIVIL REVISION APPLICATION NO.451 OF 2008**

Prakash Vishwanath Surve & Ors. ... Applicants

In the matter between

1. Smt. Dularadevi Munilal Barai & Ors. ...Applicants/
Org. Defendants/
Appellants.

V/s.

1. V. S. Surve & Ors. ... Respondents

Mr. S. M. Sabrad for the applicants.

Mr.Gurudas V. Takke h/f Mr. P. K. Shetty for the respondents.

**CORAM: K.K. TATED, J.
DATED : 22nd APRIL, 2016**

P.C. :

1. None for the applicant. Mr.Takke, learned counsel for the respondents submits that they have already complied with the order dated 23/9/2010 passed by this Court in Civil Application No.67/2010. He further submits that the respondents are in possession of the suit premises. Hence, there is no question of vacating the interim relief granted by this Court.

2. Application is dismissed for default.

3. Later on, the advocate for the applicants mentioned the matter in the afternoon session. He submits that in the

morning session, he was held up in another matter. Considering his submission, the earlier order passed by this Court is recalled.

4. Learned counsel for the applicants submits that he has instructions to withdraw the Civil Application. To that effect he has given in writing on Farad. Same is taken on record and marked "X" for identification.

5. Civil Application stands dismissed as withdrawn. No order as to costs.

(K.K. TATED, J.)