

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

**SECOND APPEAL NO.318 OF 2016
WITH
CIVIL APPLICATION NO.589 OF 2016**

Ratnakar Murlidhar Pedanekar	...	Appellant/Applicant
Versus		
Mrs. Radhika Ravindra Kale	...	Respondent/Org.Plaintiff
.....		
Mr. Surel S. Shah for the Appellant/Applicant.		
Mr. S.S. Koregave for the Respondent.		
.....		

CORAM : S.C. GUPTE, J.

DATE : 23 FEBRUARY 2017

P.C. :

. This second appeal challenges a judgment and order passed by the District Court at Kolhapur, rejecting the Misc. Civil Application No.24 of 2015 of the Appellant for condonation of delay in preferring the First Appeal. The judgment and decree passed by the Trial Court directs delivery of possession of the suit property by the Appellant herein (original Defendant) to the Respondent (original Plaintiff). In pursuance of this judgment and decree, since the dispute between the parties has been settled, possession of the property has already been handed over by the Appellant to the Respondent. The second appeal does not survive and the same is, accordingly, disposed of. No order as to costs.

2 In view of disposal of the second appeal, the civil application does not survive and the same is also disposed of.

(S.C. GUPTE, J.)