

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

CIVIL APPLICATION NO.802 OF 2015

IN

RC/314/2015

Shri Sunil Gopal Nhavi @ Chavan

Through power of attorney holder

Shri Ravindra Shivram Chavan

... Applicant/Appellant

Versus

Shri Subhash Shankar Chavan And Others ... Respondents

.....

Mr. P.P. Prabhu for the Applicant/Appellant.

Mr. Aniket Ranade for Respondent No.2.

.....

CORAM : S.C. GUPTE, J.

DATE : 3 MARCH 2017

P.C. :

. Heard learned Counsel for the parties.

2 This civil application seeks recall of an order dated 10 February 2015 passed by the Registrar (Judicial-II), permitting unconditional withdrawal of the second appeal and the civil applications. The Applicant/Appellant had filed a *preicipe* before the Registrar (Judicial-II) seeking unconditional withdrawal. That was on the basis that the disputes between the parties were settled before the *Tantamukti Samiti*, Padel at Taluka Devgad, Dist. Sindhudurga and *Tadjodnama* was executed between the parties. It is submitted by learned Counsel for the Applicant/Appellant that despite this settlement, the Respondents are proceeding with execution of the

impugned judgment and decree passed by the Courts below, which is the subject of challenge in the present second appeal. It is submitted that, in the premises, the Applicant/Appellant would like to revive the second appeal by seeking recall of withdrawal order passed by the Registrar (Judicial-II). There is no reply to the present civil application. The civil application on these pleadings, is allowed in terms of prayer clause (a).

3 Civil Application (St.) No.20168 of 2014, which is for condonation of delay in filing the second appeal, shall be taken up for hearing on 31 March 2017. The Respondents waive service.

4 In the meantime, the execution application pending before the Civil Judge, Senior Division at Devgad, namely, Execution Application No.8 of 2014, shall not be proceeded with until the next date.

(S.C. GUPTE, J.)