

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2140 OF 2017
IN
FIRST APPEAL NO.233 OF 2013

Shri Prabhakar Ramchandra Surve ... Applicant

IN THE MATTER BETWEEN

1. Shri Santosh Ramdular Pathak & Ors. ... Appellants

Vs.

Shri Santosh Ramdular Pathak & anr. ... Respondents/
org. Appellants

Mr.Kunal Bhanage for the Applicant in CA/2140/2013 and for respondent
No.2 in FA/233/2013

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 22, 2017**

P.C.:

1. None appears for the respondent/appellant, though served.
2. By the Civil Application, the applicant / Respondent No.2 in the First Appeal, seeks withdrawal of the original documents i.e., indemnity bond dated 10.8.2007; agreement providing alternate accommodation dated 10.8.2007 and irrevocable consent dated 10.8.2007, which were filed in S.C. Suit No.3102 of 2007 and now, in the present First Appeal No.233 of 2013. The learned Counsel for the applicant submitted that the applicant wants to submit these documents in the Small Causes Court and therefore, these documents be allowed to be withdrawn.

3. In view of the submissions made by the learned Counsel for the applicant as also the prayers made, the application is allowed and the documents mentioned above are allowed to be withdrawn, however, only after substitution of photocopies of the said documents in the record.
4. List the First Appeal for admission on **26.9.2017**.
5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)