

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 206 OF 2017
IN
FIRST APPEAL NO. 1791 OF 2007

Abhay S. Shetye	.. Applicant
In the matter of	
Shri. Purshottam S. Shetye	
(since deceased through his Lrs.)	.. Appellants.
vs.	
Malati R. Parshetye and anr.	.. Respondents

Mr. U.S.R. Singh for the Applicant.
Mr. K.S. Patil for the org. appellants.

CORAM : M. S. SONAK, J.
DATE : 30 JANUARY 2017.

P.C. :-

1] Mr. U.S.R Singh, learned counsel for the applicant, seeks leave to withdraw this civil application on the ground that the main appeal itself has been dismissed by order dated 4 September 2014. Mr.Singh submits that even otherwise, according to him, the appeal stands abated on account of failure of the original appellants to bring on record any legal representatives after demise of the sole respondent on 7 April 2012.

2] Mr. Patil, learned counsel for the original appellants, disputes the contentions raised by Mr. Singh. However, Mr. Patil submits that he may not have any objections if Mr. Singh withdrawing his civil application.

3] The first appeal was, no doubt, dismissed for non-prosecution by order dated 4 September 2014. This much, is a matter of record.

However, it is also required to be noted that Civil Application No. 3872 of 2014 seeking restoration is even today on the board.

4] However, since Mr. Singh insists upon withdrawing his civil application, the civil application is permitted to be withdrawn and is dismissed as withdrawn.

(M. S. SONAK, J.)

dinesh