

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 747 OF 2008
WITH
CIVIL APPLICATION (ST) NO. 13010 OF 2016
CIVIL APPLICATION (ST) NO. 34586 OF 2016

Utsav a registered Partnership Firm Through its partners ... Appellant

Versus

Vijaysingh Bapusaheb Khanvilkar and others ... Respondents

Mr. N.R. Bubna for the Appellant/Applicant.

Mr. Ramkrushna Yedave i/by Mr. P.L. Naik for the Respondent No.1.

Mr. Raturaj Pawar i/by Mr. S.S. Patwardhan for the Respondent Nos.3 and 4.

CORAM : S.J. KATHAWALLA, J.
DATED : 27th SEPTEMBER, 2017

P.C.:

1. Perused the above Civil Application (St) No.13010 of 2016. For the reasons set out therein, permission is granted to amend the cause title in the Second Appeal and the Civil Applications, and substitute the names of the Applicants in place of Rajesh Shantaram Birajdar and Smt. Ranjan w/o Dhiraj Satra. Amendment to be carried out forthwith. The above Civil Application (St) No. 13010 of 2016 is accordingly disposed off.
2. The above Civil Application (St) No. 34586 of 2016 is taken out by the Appellant/Applicant to delete the name of the Respondent No.2 and allow the

Respondent Nos.1, 3 and 5 to also represent themselves as legal heirs of the deceased Respondent No.4 in the above Second Appeal. Amendments to be carried out forthwith. The above Civil Application (St) No. 34586 of 2016 is accordingly disposed off.

3. The Learned Advocate appearing for the Appellant/Applicant on instructions now, seek to withdraw the above Second Appeal on the ground that the same is settled out of Court. In view thereof, the above Second Appeal is disposed off as withdrawn.

4. Interim orders stand vacated.

5. Needless to add that the Respondents shall not be obstructed in enjoying the suit property by any of the parties including the newly added Appellants.

(S.J.KATHAWALLA, J.)