

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 987 OF 1998
WITH
CIVIL APPLICATION NO. 3474 OF 2013
WITH
CIVIL APPLICATION NO. 3475 OF 2013
IN
FIRST APPEAL NO. 987 OF 1998**

Shanti Kumar Dutta

...Appellant

Versus

Smt. Sudha Madhav Dalvi & Anr.

...Respondents

.....

Mrs.Protima S.Dutta-wife of the deceased appellant is present in Court.

Mr. Sumeet Dutta-son of the deceased appellant is present in Court.

Mr.V.B.Ghorpade for Respondent No.1.

Mr.Bonny Charlie Baptista, CA of the legal heirs of Respondent no.2 present in Court.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATE : JANUARY 09, 2018**

P.C.:

1. Respondent no.1 /original plaintiff i.e., decree holder had filed the Suit for specific performance, which was decreed by the judgment and order dated 23rd December, 1997 passed by the learned Judge, City Civil Court, Mumbai.

2. The wife and son of the deceased appellant are present. They have informed that the appellant i.e., Shanti Kumar Dutta had expired on 25th July, 2003. They have produced Aadhar Card. The photocopy of the same are taken on record and marked as Exhibit "A" and "B" respectively. The Court Sheristedar has verified the photocopy and identity on the basis of the original document. They have submitted that their advocate is not co-operating. They do not have any grievance against the respondents and have settled the matter amicably. They have further submitted that they want to withdraw the Appeal.

3. Mr.Bonny Charlie Baptista, who claims to be Constituted Attorney of the legal heirs of respondent no.2, is present.

4. In view of the above submissions, the wife and son of the deceased appellant are allowed to withdraw the First Appeal.

5. First Appeal is dismissed as withdrawn.

6. In view of dismissal of the First Appeal, Civil Applications do not survive and the same are accordingly disposed of.

(MRIDULA BHATKAR, J.)