

*Sequeira*

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

***SECOND APPEAL NO. 816 OF 2017***

Ratilal Muralidhar Gadekar.

.. Appellant

Vs

Mr.Nitikant Muralidhar Gadekar and others.

.. Respondents

Mr.V.R.Gaikwad, for the Appellant.

Mr.Nikhil Wadikar, for Respondents.

***Coram : N.M.Jamdar, J.***

***Date : 15 January 2018.***

***P.C. :***

The learned counsel for the Appellant states that due to inadvertence the title of the Second appeal memo has been typed as per the memo in District Court, Satara as it is when it should have been the other way. Though learned counsel for the Appellant has sought amendment it will be appropriate that the Appellant withdraws the appeal and files a fresh appeal as not only various changes will have to be made in the appeal but changes will have to be made in the register and system of this Court as well. The learned counsel for the Respondents has no objection. The Second Appeal is accordingly permitted to be withdrawn with liberty to file fresh appeal.

2. If such second fresh appeal is filed within period of four weeks from today, then even though there might be a delay in instituting the appeal it may be condoned in view of the above circumstances.

3. The learned counsel for Respondents states that if the fresh appeal and delay condonation application are filed, he will accept the service on behalf of Respondents. The refund of the Court fees to be granted as per rules. Certified copies be returned to the Appellant

*(N.M.Jamdar, J.)*