

“(7) I say that hence I am filing this Affidavit for bringing subsequent facts on record and for allowing me to withdraw the said appeal with liberty to file appropriate proceedings as against 50 % share in the flat and any other properties left by my late husband and for claiming the said rights as his legal heirs and representatives, wherein myself and my son being the Respondent No.2 are entitled to.”

4 At the same time, learned counsel appearing for Respondent No.1 filed an affidavit dated 16th July, 2018 stating that he do not want to press costs of Rs.75,000/- as awarded by the Family Court in his favour. Said affidavit is also taken on record and accepted.

5 In view of the affidavit filed by both the parties, following order is passed:

- (a) Family Court Appeal stands disposed of as withdrawn with liberty as prayed in affidavit dated 17th July, 2018 filed by the appellant;
- (b) The statement made by Respondent No.1 in his affidavit dated 16th July, 2018 is accepted i.e. he is not pressing the decree for payment of costs of Rs.75,000/-.

6 In view of withdrawal of the Family Court Appeal, nothing survives in the Civil Application and the same is disposed of as infructuous. No order as to costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)

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