

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**APPEAL (LODG)NO.318 OF 2018
IN
CHAMBER SUMMONS NO.53 OF 2018
IN
TESTAMENTARY SUIT NO.11 OF 1995
IN
PETITION NO.160 OF 1994**

Vijaykumar Janardan Pandit.

...Appellant

Versus

Ojaswini Kamlakar Samant

...Respondent

with

NOTICE OF MOTION (Lodg) No.714 of 2018

Mr.Hemant Mehta i/b. Mehta & Co., for the Appellant/Applicant.

Ms.Deepa Chavan with Ravindra R.Chile with Shristi Shetty and Gargi Bhagwat, i/b. M/s.Divekar Bhagwat & Co., for the Respondent.

**CORAM: NARESH H.PATIL AND
G.S.KULKARNI, JJ**

DATED: 26th JULY, 2018

P.C.:

1. The learned Counsel appearing for the appellant seeks further

two weeks time to carry out amendment. Leave granted. Amendment be carried out within a period of one week from today.

2. After hearing the parties for some time, the learned Counsel for the appellant seeks leave to withdraw the appeal.

3. Leave granted. The appeal is allowed to be withdrawn.

4. In view of disposal of the appeal, pending Notice of Motion (Lodg) No.714 of 2018 does not survive, it is accordingly disposed of.

5. We noticed that in view of the facts and appellant being a senior citizen of 79 years old, the parties may explore as to whether the matter could be finally settled by intervention of a Mediator. Both the learned Counsel appearing for respective parties on instructions submits that the parties would explore resolution of dispute by this method.

6. The learned Counsel appearing for respective parties suggest and agree that the issue could be referred for mediation to Mr. Justice S.J. Vazifdar (former Chief Justice of Punjab & Haryana High Court).

7. The parties are at liberty to take steps accordingly and would adopt the alternate method of resolution of dispute by referring the matter to learned Mediator.

Prashant
Vilas
Rane

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by Prashant
Vilas Rane
Date:
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(G.S.KULKARNI, J.)

(NARESH H. PATIL, J.)