

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**979 CIVIL APPLICATION NO.6700 OF 2019
IN FA/663/2019
WITH CA/3192/2019 IN FA/663/2019**

**KAMAL MOHAN KALE AND ORS
VERSUS
KSHITIJ LAXMAN NAGARE AND ANR**

...
Advocate for Applicants : Mr. Gandhi Amol S.
Advocate for Respondent No.1 : Mr. A. B. Gatne
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 12th JULY 2019

ORDER :

. Learned Advocate Mr. Gatne appearing for the appellant submits that he has written instructions from the appellant that he did not want to proceed with the appeal. He is producing the letter given by his client along with affidavit and it is stated that the entire decretal amount has been deposited by him in the trial Court. The photocopy of the cheque is also annexed. These documents are taken on record and the bunch is marked as Exhibit-'A'. Taking into consideration the wish of the appellant that he has no intention to proceed with the appeal, the appeal itself is disposed of as withdrawn.

2. The Civil Application for stay stands disposed of in view of the statement that the amount has been deposited in the executing Court. The Original claimants are allowed to withdraw the amount as per the award. The appellant had deposited amount of Rs.25,000/- by cheque dated 21.08.2018 in this Court. The appellant is allowed to withdraw the said amount as the said amount has no connection with the claim amount along with accrued interest.

3. Appellant is entitled to get refund of Court fees as per rules.

(Smt. Vibha Kankanwadi, J.)

Shubham/