

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

**CIVIL APPLICATION NO. 1292 OF 2019
IN
SECOND APPEAL (ST) NO. 35644 OF 2018
ALONGWITH
CIVIL APPLICATION NO. 1293 OF 2019
IN
SECOND APPEAL (ST) NO. 35644 OF 2018
ALONGWITH
SECOND APPEAL (ST) NO. 35644 OF 2018**

**Gulshan Noormahammad Shaikh,
Since deceased through legal heirs
Iqbal Noormahammad Shaikh & Ors. Applicants**

VERSUS

**Bapusaheb Laxman Gare,
Since deceased through legal heirs
Shakuntala Bapusaheb Gare & Ors. Respondents**

Mr.Kuldeep U.Nikam for the Applicants/Appellants.

CORAM : R.D. DHANUKA, J.

DATE : 23rd SEPTEMBER, 2019

P.C.

Second Appeal is Not on board. Taken on board.

2. Mr.Nikam, learned counsel for the applicants on instructions states that his clients have inadvertently filed second appeal instead of civil revision application. He seeks liberty to withdraw second appeal with liberty to file civil revision application. Statement is accepted. Second appeal is dismissed as withdrawn with liberty as prayed. If any such civil revision application is filed, the same shall be considered on its own merit. No order as to costs.

3. In view of the withdrawal of the second appeal, Civil Application Nos.1292 of 2019 and 1293 of 2019 do not survive and are accordingly dismissed.

[R.D.DHANUKA, J.]