

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO.16370 OF 2015
IN CAST/36560/2015 WITH CA (STAMP)
NO.36560/2015

MAROTI TUKARAM NILKANTHE LRS GIRIDHAR AND
OTHERS
VERSUS
VITHABAI RAJARAM NILKANTHE LRS CHANDRABAI LRS
SUSHILA AND OTHERS

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Mr.B.A. Dhengle, Advocate for the applicants-
appellants.

Mr.H.V. Patil, Advocate for respondent Nos.C/
i-3 and 2.

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CORAM: V.L. ACHLIYA,J.
DATE : 07.02.2020

ORAL ORDER:

The learned counsel for the applicants-appellants submits that he has received instructions to withdraw the proceedings in view of decree under challenge being already executed in an execution proceedings filed by the decree holder.

2. Perusal of the record reveals that the appeal preferred by the appellants dismissed in default vide order dated 30.01.2008 passed in the matter. After period of more than 7 years, the applicants moved an application for recall of order of dismissal

and restoration of appeal with condonation of delay of 7 years and 9 months (2840 days) in filing the application. The Civil Application No.16370 of 2015 seeking relief of condonation of delay and Civil Application (Stamp) No.36560/2015 seeking recall of order of dismissal of appeal are pending before the Court.

3. In view of the statement made by the learned counsel for the applicants-appellants that the decree passed in the matter is already executed and nothing survives for consideration in the Applications, the applicants are allowed to withdraw the applications. The applications are disposed of as withdrawn.

4. Since the appeal is already dismissed on 30.01.2008, no further orders needs to be passed in the matter in respect of appeal.

[V.L. ACHLIYA]
JUDGE

DDC