

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****FIRST APPEAL NO. 1471 OF 2009****Neeta Narottamdas Sampat & Anr.****..... Appellants****VERSUS****Marshal Gordhandas Morparia & Anr.****..... Respondents****ALONGWITH****CIVIL APPLICATION NO. 4181 OF 2014****IN****FIRST APPEAL NO. 1471 OF 2009****Gordhandas Ramdas Morparia****..... Applicant****IN THE MATTER BETWEEN****Neeta Narottamdas Sampat & Anr.****..... Appellants****VERSUS****Hemang Gordhandas Morparia & Anr.****..... Respondents**

Mr.Kshitij Kadam, i/b. M/s.Rustamji & Ginwala for the Appellant and Applicant in CAF/1953/2015.

Ms.Sukeshi Bhandari for the Respondent/Applicant in CAF/4181/2014.

CORAM : R.D. DHANUKA, J.**DATE : 3rd MARCH, 2020****P.C.**

Learned counsel for the appellant states that the matter is settled between the parties before the Trial Court and on instruction seeks liberty to withdraw this First Appeal. Statement is accepted. First Appeal is dismissed as withdrawn. No order as to costs. Refund of court fees, if any, as per rules. Interim orders passed by this court, if

any, to stand vacated.

2. In view of the withdrawal of the First Appeal, Civil Application No.4181 of 2014 does not survive and is accordingly disposed of.

3. Pursuant to the order dated 15th June, 2010 passed by this court in Civil Application No.1657 of 2010, the respondent has furnished the bank guarantee. Since the appellant has withdrawn the First Appeal, the said bank guarantee furnished by the respondent in this court to stand cancelled and shall be returned within two weeks from the date of communication of this order to the respondent's advocate.

4. Office is directed to return the bank guarantee to the legal heirs of the original respondent who are impleaded by a separate order passed by this court.

5. The parties as well as the office to act on the authenticated copy of this order.

[R.D.DHANUKA, J.]