

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO 247 OF 2007

BHALCHANDRA SHAMRAN DHANWADIKAR,
Deceased through L.rs.

Vs

Ananda Baburao Patil
since deceased through LRs

...

Mr.Uday S.Malte, Adv. For appellant/s;
Mr.Girish Rane, Adv. For Resp.Nos.1 to 3

CORAM : SMT.VIBHA KANKANWADI,J.

DATE : 15th January, 2021.

PER COURT:-

1. Not on Board. Taken on Board.
2. Learned Advocate for appellant makes a statement in present of learned Advocate for the respondents that, on instruction, he seeks leave to withdraw the Second Appeal and pursis to that effect is also filed.
3. The pursis is taken on record and marked as X for identification. In view of the pursis, the Second Appeal stands disposed of as withdrawn. Pending interim application, if any, stands disposed of.
4. After the order is dictated, learned Advocate for appellant points out that as per the interim order passed by this Court, the appellant had deposited an amount of Rs.

(2)

5000/- towards the *mesne profits*. He claims that the said amount be refunded to the appellant.

5. In fact, the Second Appeal is simply withdrawn that too on instructions. If at all the appellant wants to claim refund of the said amount, that should be by a separate application and in that event, the respondents may be allowed to file their say. Therefore, it cannot be considered at this stage. However, liberty is granted to the appellant to move such application.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV