

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.74/2014

SARITA GUPTA

... Appellant

Versus

BHUPINDER KAUR REP. BY

P.O.A. ADV. SANJAY

MADKAIKAR AND 6 ORS.

... Respondents

Mr. P. Sawant, Advocate for the Appellant.

Mr. M. Pereira, Advocate for Respondents No.1 to 3.

Coram:- M.S. SONAK &SMT. M. S. JAWALKAR, JJ.Date:- 19th July 2021**P. C.:**

On 15.07.2021 in First Appeal No.74 of 2014 and First Appeal No.61 of 2015 we made the following order:

“Heard Shri P. Sawant, learned Counsel for the Appellant in First Appeal No.74 of 2014 who pointed out that an order has been made in the connected First Appeal No. 61 of 2015 on 11.11.2019. This order is in terms of the minutes filed by the parties which have been taken on record by this Court in MCA No.761/2019 filed in First Appeal No. 61/2015.

2. Shri Sawant, submits that in terms of order dated 11.11.2019 and the minutes of the order, the appellant in First Appeal No.74 of 2014 has already handed over a possession of the suit premises to the appellants in First Appeal No.61 of 2015. He, therefore, submits that First Appeal No. 74 of 2014 can be disposed of as withdrawn. He, however, request to adjourn the matter on

19.7.2021, so that he can obtain formal instructions for withdrawal.

3. Accordingly, post this matter on 19.7.2021. High on board.”

2. Today, Mr. Sawant, on instructions states that the appellant seeks to withdraw First Appeal No.74 of 2014. Accordingly, First Appeal No.74/2014 is disposed of as withdrawn. The interim order passed in this appeal is vacated.

3. In view of the withdrawal, the appellant, can claim for refund of court fees as permissible under the rules.

4. The appellant is also given liberty to file application for seeking withdrawal of the amounts deposited by the appellant during the pendency of this appeal. Such application however, will be considered and disposed of in accordance with law after hearing the respondents.

5. Accordingly, only First Appeal No.74/2014 is disposed of as withdrawn. The First Appeal No.61/2015 will have to be taken up for final disposal as per its turn.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.