

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1582 OF 2020
WITH
CIVIL APPLICATION NO.4108 OF 2018
IN
FIRST APPEAL (ST) NO.12570 OF 2018
WITH
FIRST APPEAL (ST) NO.12570 OF 2018

Dattatraya Maruti Gadave .. Applicant/Appellant
Versus
Rekha Prataprao Mane & Ors. .. Respondents
...

Mr.Mahendra Shingade for the Applicant/Appellant.
Mr.Milind More for the Respondent No.6.
...

CORAM: BHARATI DANGRE, J.
DATED : 05th OCTOBER, 2021

P.C:-

1. The present application is taken out by the Applicant/Appellant, seeking withdrawal of the First Appeal on the ground that during the execution proceedings, the decree has been satisfied and MACT, Satara on 10/06/2019 has passed an order below Exh.1 in MACP No.89 of 2016 to the following effect :-

“The decree holders No.1, 3 and 4 and judgment debtors are present before the Tribunal. The decree holder No.2 has filed his power of attorney in favour of decree holder No.3. The decree holders have filed this execution petition against the judgment debtor for recovery of Rs.17,56,072/-. The parties have settled the matter out of Court and have filed compromise pursis to that effect at Exh.20. In view of order passed below pursis at Exh.20, present execution proceeding is disposed of as withdrawn/fully satisfied.”

Alongwith the application, the copy of the compromise pursis filed, is also annexed.

2. Learned counsel for the Applicant/Appellant states that the undertaking in the compromise pursis has been satisfied and the amounts, as undertaken, have been disbursed in favour of the respective claimants, necessarily leading to an inference that the decree stands satisfied.

3. In the wake of the said development, I do not find it necessary to notice Respondent Nos.1 to 4. Though the Insurance Company is represented by the learned counsel, it was exonerated in the MACP. I see no hesitancy in permitting the withdrawal of the First Appeal.

4. The application is allowed and the First Appeal stands disposed of as withdrawn. The court fee be refunded to the Appellant as per law.

4. In view of the disposal of the First Appeal, Civil Application No.4108 of 2018 does not survive and stands disposed of.

(SMT. BHARATI DANGRE, J.)