

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL ST. NO. 27155 OF 2019

Lata Anant Sindhphalkar & another

Appellants

Versus

Laxmi Vishnu Shingade & others

Respondents

Mr. Manoj D. Shinde, advocate for the Appellants

Mr. T. M. Venjane, advocate for Respondents No. 1 to 4.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22nd November, 2022.

PC :

1 Heard rival submissions.

2 The learned Counsel for the appellants-owners submits that this appeal may be permitted to be withdrawn since another appeal arising out of the same award is also filed wherein the receipt of deposit of amount is annexed. He pointed out the order dated 11.10.2022, passed by this Court, in Civil Application No.8544 of 2022 in the said First Appeal bearing St. No. 15003 of 2022.

3 On perusal of the said order, it appears that this Court had ordered to register the said appeal after condonation of delay of 1014 days but subject to the condition that present appeal be withdrawn first.

4 The learned Counsel for the claimants has raised an objection that the point that after withdrawal of the earlier appeal, how another/second appeal against the same order is maintainable, be kept open. However, such objection cannot be considered at all even at the time of argument of subsequent appeal since nothing is decided on merits in the present appeal.

5 In view of the same, the present appeal bearing First Appeal. St.No.27155 of 2019 along with all the pending Civil Applications stand disposed of.

(SANDIPKUMAR C. MORE)
JUDGE