

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO. 719 OF 2022
WITH
INTERIM APPLICATION NO. 19876 OF 2022**

Chandrakala Bapu Shinde & Ors.	...Applicants
Versus	
Shashikant Eknath Vidhate	...Respondent

Mr. Atul Damle, Senior Advocate, i/b. Mr. Harshad M. Inamdar, for the Appellants.

Mr. Sachin S. Gite, for the Respondent.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 24th NOVEMBER 2022**

P.C. :

1. After arguing the matter for some time and after taking instructions from the Appellants, Mr. Atul Damle, learned Senior Counsel along with Mr. Inamdar, Advocate, appearing for the Appellants make a statement that Appellants are intending to file civil suit seeking appropriate reliefs and therefore, seek leave to withdraw application bearing Exhibit 46 filed in Regular Darkhast No.130 of 1990.

2. Mr. Sachin Gite, learned counsel appearing for the

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Respondent submits that he has no objection for the same but no interim protection be granted and all the contentions on merits be kept open.

3. Leave as sought is granted.

4. In view of the above submissions and as the Exhibit 46 application is withdrawn, the impugned order dated 19th November 2021 passed by the learned 2nd Joint Civil Judge, (Senior Division), Nashik below Exhibit 46 in Regular Darkhast No.130 Of 1990 and impugned Judgment and Decree dated 3rd September 2022 passed by the learned District Judge-7, Nashik in Regular Civil Appeal No.123 of 2021 are quashed and set aside.

5. Contentions of both the parties are expressly kept open.

6. It is clarified that this Court has not examined the merits of the matter.

7. It is further clarified that this Court has not granted any stay to the execution proceedings.

8. In view of above, the Second Appeal is disposed of in the above terms.

9. As the Second Appeal is disposed of, nothing survives in

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the Interim Application and same stands disposed of.

[MADHAV J. JAMDAR, J.]