

SGA

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.214 OF 2022
WITH
CIVIL APPLICATION NO. 9023 OF 2022
IN
SECOND APPEAL NO. 214 OF 2022

Ramesh Nivruti Bhonde
and others

... Appellants

Versus

Ranjana Rameshwar Bhonde

... Respondent

...
Mr.N.T. Tribhuwan – Advocate for Appellants
Mr.N.S. Jaju – Advocate for respondent.
....

CORAM : GAURI GODSE, J.

DATE : 27th February, 2023

PER COURT :

1. This second appeal is preferred by defendants against the concurrent judgment and decree passed for granting share to the respondent-plaintiff. Learned advocate for the respondent-plaintiff has tendered duly sworn affidavit of respondent thereby stating that she has no objection if the second appeal is allowed and the impugned judgment and decree is set aside.

2. Learned advocate for the parties submit that the parties have settled the dispute amicably and hence, the respondent has filed affidavit. Affidavit dated 27th February, 2023 is taken on record and marked “X” for identification with today’s date.
3. Learned advocate for the respondent identifies the respondent, who is personally present in the court. Respondent is personally present in the court and in view of the settlement between the parties, she submits that she may be granted leave to withdraw Regular Civil Suit No.43 of 2012.
4. Leave is granted as prayed. Regular Civil Suit No.43 of 2012 is allowed to be withdrawn.
5. In view of withdrawal of Regular Civil Suit No.43 of 2012, the impugned judgment and decree dated 21st December, 2019 passed by learned Adhoc District Judge-2, Aurangabad in Regular Civil Appeal No.87 of 2016 and the judgment and decree dated 29th January, 2016 passed by learned Joint Civil Judge, Junior Division, Paithan in Regular Civil Suit No.43 of 2012 are quashed and set aside.
6. Second Appeal is disposed of in above terms.

7. In view of the disposal of the second appeal, civil application is also dismissed as infructuous.

[GAURI GODSE, J.]