

Arjun

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

**SECOND APPEAL NO.1309 OF 2004
WITH
CIVIL APPLICATION NO.1750 OF 2004
IN
SECOND APPEAL NO.1309 OF 2004**

Shri. Dnyanu Ishwara Patil

...Appellant/
Applicant

V/s.

Smt. Indirabai Sakharam Lingnurkar
(Since deceased through legal heirs)
Narhar Sakharam Lingnurkar & Ors.

...Respondents

Ms. Kanchan Phatak h/f Mr. Nitin Deshpande, for the
Appellant/Applicant.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 12th APRIL, 2023**

P.C.:

- 1.** Heard Ms. Phatak, learned counsel appearing for the Appellant.
- 2.** Learned counsel appearing for the Appellant states that, the dispute between the parties has been settled and, therefore, she has instructions to withdraw the Second Appeal. She also tenders affidavit dated 26th December, 2022 of the Appellant stating that the dispute is settled out of

Court. The said affidavit is taken on record. As the dispute is settled out of Court, the Second Appeal is allowed to be withdrawn and dismissed as such.

3. In view of dismissal of the Second Appeal, nothing survives in the Civil Application and the same is also disposed of accordingly.

[MADHAV J. JAMDAR, J.]