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

**SECOND APPEAL NO.9 OF 2023
WITH
INTERIM APPLICATION NO.162 OF 2023**

Kusum Pandurang Wabale
since deceased through legal heirs
Sou. Manisha Sunil Dhane & Ors. ...Appellants

Versus
Bhaskar Maruti Dhore
since deceased through legal heirs
Hemlata Bhaskar Dhore & Ors. ...Respondents

Mr. Pavan Patil, for the Appellants.

Mr. Sugandh Deshmukh a/w. Mr. Vaibhav Thorve, for Respondent
No.3(b).

**CORAM : MADHAV J. JAMDAR, J.
DATED : 7th JANUARY 2023**

P.C. :

1. Learned counsel appearing for the Appellants at the outset states that by the impugned Judgment and Decree of the learned First Appellate Court, Judgment and Decree passed in Regular Civil Suit No.154 of 2007 was set aside and matter was remanded to learned Joint Civil Judge, Junior Division, Vadgaon, Maval, Pune.

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2. In view of above, learned counsel appearing for the Appellants seeks leave to withdraw the Second Appeal with liberty to file the appropriate proceedings.

3. Accordingly, the Second Appeal is disposed of as withdrawn with liberty to file appropriate proceedings.

4. It is clarified that this Court has not considered the merits of the case and all contentions on merits are expressly kept open.

5. The Second Appeal is disposed of in above terms with no order as to costs.

6. In view of the disposal of the Second Appeal, nothing survives in the Interim Application and the same is disposed of as such.

[MADHAV J. JAMDAR, J.]