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Date: 2023.03.21
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.380 OF 2022
WITH
INTERIM APPLICATION NO.2772 OF 2022**

Sunanda Sudhakar Chougule and Ors.

...Applicants

Versus

Gangubai Ganpati Chougule (Died)

Kishor Ramji Patel and Ors.

...Respondents

- Mr. Kuldeep U. Nikam for the Applicants in IA/2460/2023 and IA/2772/2022 and Appellant in SA/380/2022.
- Mr. Sarnath Sariputta for Respondent Nos.2, 3, 4 and 6.
- Mr. Vijay Killedar for the Respondent Nos.5 and 7.

CORAM : MADHAV J. JAMDAR, J.

DATE : 20th MARCH 2023

P.C. :

1. Mr. Kuldeep Nikam, learned counsel appearing for the Appellants seeks withdrawal of the Second Appeal with liberty to file suit for partition and separate possession, injunction and declaration.
2. Leave as aforesaid is granted. However, it is clarified that all the contentions of both the parties with respect to the said suit are kept open. Second Appeal is dismissed as withdrawn with aforesaid liberty and aforesaid clarification.

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

4. Mr. Kuldeep Nikam, learned counsel appearing for the Appellants states that status-quo order is in operation till date be continued for three weeks. Said status-quo order is extended for a period of two weeks i.e. till 10th April 2023.

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

[MADHAV J. JAMDAR, J.]