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

**SECOND APPEAL NO.530 OF 2022
WITH
CIVIL APPLICATION NO.402 OF 2019
IN
SECOND APPEAL NO.530 OF 2022**

Vikas Baburao Mane and Anr. ...Appellants/Applicant
Versus
Baburao Yashant Mane and Ors. ...Respondents

- Mr. Bhushan Walimbe, for the Appellants/Applicant.
- Mr. Laxman K. Kale for the Respondents.

**CORAM : MADHAV J. JAMDAR, J.
DATE : 16th FEBRUARY 2023**

P.C. :

1. Mr. Walimbe, learned counsel appearing for the Appellants, after arguing for some time on earlier occasion, took adjournment to seek instructions from the Appellants regarding withdrawal of application filed under Order VII Rule 11(d) of the Civil Procedure Code, 1908 bearing Exh.33 filed in Reg. Civil Suit No.672/2017.

2. Today at the outset, Mr. Walimbe states that the Appellants have given instructions to withdraw the said application bearing

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Exh.33. Learned Advocate appearing for the Respondents have no objection for such withdrawal. He however states that the hearing of suit be expedited. Accordingly, application bearing Exh.33 filed in Reg. Civil Suit No.672/2017 before the learned Civil Judge, Junior Division, Islampur is permitted to be withdrawn. As the said application is allowed to be withdrawn, the order dated 29th June 2018 passed by the learned 4th Jt. Civil Judge, Junior Division, Islampur below Exh.33 in Reg. Civil Suit No.672 of 2017 as well as Judgment and Decree dated 1st November 2018 passed by the learned District Judge-I, Islampur, Sangli in Reg. Civil Appeal No.69 of 2018 are quashed and set aside.

3. Said Regular Civil Suit No.672 of 2017 is filed by the father - Baburao Mane, who is Senior Citizen of 81 years and mother Shakuntala Baburao Mane, who is Senior Citizen of 67 years, *inter-alia*, against the present Appellant i.e. son - Vikas Baburao Mane. Due to said application bearing Exh.33 and further Appeal, trial is delayed for about at least 5 years. Therefore, learned Trial Court is requested to dispose of the said Reg. Civil Suit No.672/2017 expeditiously and in any event, on or before 31st March 2024.

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4. Second Appeal is disposed of in above terms with no order as to costs. In view of disposal of the Second Appeal, nothing survives in the Civil Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]