

VRJ

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

SECOND APPEAL (ST.) NO.92909 OF 2020

VAIBHAV
RAMESH
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Ananda Shankar Patil
Since Deceased Through Legal Heirs
Sachin Ananda Patil ... Appellants
V/s.
Pandurang Ramu Patil & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.17749 OF 2023
IN
SECOND APPEAL (ST.) NO.92909 OF 2020**

Ananda Shankar Patil
Since Deceased Through Legal Heirs
Sachin Ananda Patil ... Applicants
V/s.
Pandurang Ramu Patil & Ors. ... Respondents

**WITH
SECOND APPEAL (ST.) NO.92911 OF 2020**

Ananda Shankar Patil
Since Deceased Through Legal Heirs
Sachin Ananda Patil & Ors. ... Appellants
V/s.
Pandurang Ramu Patil & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.17813 OF 2023
IN
SECOND APPEAL (ST.) NO.92911 OF 2020**

Ananda Shankar Patil
Since Deceased Through Legal Heirs
Sachin Ananda Patil & Ors. ... Applicants
V/s.

Pandurang Ramu Patil & Ors.

... Respondents

Mr. Umesh H. Pawar for the appellants/applicants

Mr. Nikhil Pawar for respondent Nos.1 to 5.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 21, 2023

P.C.:

1. The impugned judgment and decree in the second appeals is an order of remand under Order 41 Rule 23 of the Civil Procedure Code, 1908 against the appellants. The appellants have remedy of Appeal From Order under Order 43 Rule 1(u) of the Civil Procedure Code, 1908. Learned advocate for the appellants, therefore, seeks permission to withdraw the second appeals with liberty to file Appeal From Order.
2. The second appeals are disposed of as withdrawn with liberty as prayed for. No costs.
3. However, it is made clear that the time spent in prosecuting the second appeals shall be considered sympathetically by the Court while considering application for delay in filing Appeal From Order.
4. In view of disposal of second appeals, all interlocutory applications stand disposed of as infructuous.

(AMIT BORKAR, J.)