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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 426 OF 2023
WITH
INTERIM APPLICATION NO. 13298 OF 2023

Yamunabai Arjun Kamthe ...Appellant
Versus
Sindhu Anna Nhavale & Ors. ...Respondents

Mr. Pratik Rahade, i/b. Mr. Sumant Patale, for the Appellant.

CORAM : MADHAV J. JAMDAR, J.
DATED : 24th JULY 2023

P.C. :

1. Mr. Pratik Rahade, learned counsel appearing for the Appellant states that by the impugned order passed by the learned First Appellate Court, the Judgment and Decree passed in Special Civil Suit No.5825 of 2012 was set aside and the said suit was remanded back to the learned Trial Court. He therefore, states that the Appeal from Order is maintainable and therefore, seeks withdrawal of the Second Appeal with liberty to file Appeal from Order.
2. Accordingly, the Second Appeal is allowed to be withdrawn with liberty as aforesaid.

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3. In view of dismissal of the Second Appeal, nothing survives in the Interim Application and the same is also dismissed.
4. Needless to observe that the Appellant will get benefit of Section 14 of the Limitation Act, 1963.

[MADHAV J. JAMDAR, J.]