

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1142 OF 2014

IN

SECOND APPEAL NO.188 OF 2011

Shri. Ashok Anant Jaunjal

...Applicant

V/s.

Smt. Shantabai Anant Jaunjal & Ors.

...Respondents

Mr. N. V. Vechalekar i/b N. V. Vechalekar & Co., for the
Applicant.

Mr. Vikas Kolekar i/b Vishal Patil, for Respondent No.1 &
5 to 10.

Mr. S. A. Rajeshirke, for Respondent No.2 & 3.

Mr. Ashok A. Jaunjal-Applicant, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : AUGUST 9, 2023

P.C.:

1. The Civil Application is taken out for recall of the order dated 1st July 2014 passed by a learned Single Judge in Second Appeal No.188 of 2011. The said order reads as under :

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

SECOND APPEAL NO. 188 OF 2011

Ashok Ananat Jaunjal.

..Appellant.

Versus

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Smt. Shantabai Anant Jaunjal
and Others.

..Respondents.

Mr. D. M. Gupte for the Appellant.

Mr. S. A. Rajeshirke for the Respondent Nos.2 and 3.

Mr. Vishal Patil for the Respondent Nos.1 and 5 to 10.

Date : **July 1, 2014.**

P. C. :

1. The learned Counsel appearing for the Appellant, after taking instructions from the Appellant, who is personally present before this Court, seeks permission to withdraw this second appeal. The second appeal is allowed to be withdrawn and is dismissed as withdrawn."

2. Thus, it is clear that the said Second Appeal was allowed to be withdrawn by the order dated 1st July 2014 passed by a learned Single Judge. A learned Single Judge has specifically recorded that Mr. D. M. Gupte, learned counsel appearing for the Appellant after taking instructions from the Appellant, who is personally present before the Court seeks permission to withdraw the Second Appeal and, accordingly, the Second Appeal was allowed to be withdrawn and dismissed as withdrawn.

3. The Appellant has filed the present Civil Application seeking recall of said order dated 1st July 2014. However, the Applicant was personally present in the Court on 1st July

2014 and he had given instructions to his Advocate to withdraw the Second Appeal. Therefore, the Civil Application cannot be entertained and the same deserves to be dismissed by imposing exemplary cost.

4. However, at this stage, the Applicant i.e. the original Appellant submits writing dated 9th August 2023 stating therein that he is withdrawing the present Civil Application No.1142 of 2014 filed for recall of the order dated 1st July 2014. The Applicant-Ashok Anant Jaunjai is personally present in the Court. The said writing dated 9th August 2023 is in the handwriting of the Applicant. The Applicant who is personally present in the Court states that he is withdrawing the Civil Application No.1142 of 2014. The Applicant also produces photocopy of Aadhar Card. The said writing dated 9th August 2023 is taken on record and marked "X" for identification and self attested photocopy of Aadhar Card of the Applicant is also taken on record and marked "X1" for identification.

5. Accordingly, the Civil Application No.1142 of 2014 is allowed to be withdrawn and dismissed as such.

[MADHAV J. JAMDAR, J.]