

Harish

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

SECOND APPEAL NO. 606 OF 2014

WITH

CIVIL APPLICATION NO. 1447 OF 2014

IN

SECOND APPEAL NO. 606 OF 2014

Shri. Manohar D. Shembekar

since deceased through legal heirs

Mangala Manohar Shembekar & Ors. ...Appellants

Versus

M/s. Darpan Co-operative Housing Society

Ltd. & Ors. ...Respondents

Ms. Deepali Y. Deherkar, for the Appellant.

Ms. Preeti B. Walimbe, for Respondent No. 1.

CORAM : MADHAV J. JAMDAR, J.

DATE : 25th April, 2023

P.C.:

1. Heard Ms. Deherkar, learned counsel appearing for the Appellants and Ms. Walimbe, learned counsel appearing for Respondent No. 1- Society.

2. Ms. Deherkar, learned counsel appearing for the Appellants states that, the dispute between the parties has been settled out of the Court. She tenders affidavit executed by Appellant No.

1/2(1) – Samiksha S. Shembekar. In the said affidavit it has been stated that, other Appellants have executed Power of Attorney in favour of said Samiksha S. Shembekar except Appellant No. 1/2(2)-Ms. Samruddhi Shembekar Patil.

3. Appellant No.1/2(2)-Samruddhi Shembekar by E-mail communication dated 24/04/2023 has confirmed that, in view of the settlement of the dispute between the parties out of the Court, she has instructed Advocate Ms. Deherkar to withdraw the Second Appeal.

4. In view of above, the Second Appeal is allowed to be withdrawn and dismissed as such.

5. In view of dismissal of Second Appeal, nothing survives in the Civil Application and the same is also dismissed.

(MADHAV J. JAMDAR, J.)