

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

**SECOND APPEAL NO.616 OF 2023
IN
INTERIM APPLICATION NO.16741 OF 2023
IN
SECOND APPEAL NO.616 OF 2023**

Vilas Madhukar Kute since deceased ...Appellants
through legal heirs and representatives)
1.a Suvarna Vilas Kute and Ors.

Versus

Dattu Genu Yeole and Ors. ...Respondents

...

Mr. Vaibhav Sudare i/b. Mr. Rahul Tiwari for the Appellants.
Mr. Drupad Patil for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 10th NOVEMBER, 2023.

P. C. :-

1. Not on board. Upon being mentioned, taken on board.
2. Learned counsel for the Appellants, under instructions seeks leave to withdraw the appeal with liberty to seek revival of Miscellaneous Application No.317 of 2016 for condonation of delay in filing the first appeal, before the District Court, Pune. Not objected by learned counsel for the Respondents. Leave with liberty is granted.

3. The appeal is dismissed as withdrawn.
4. It is made clear that this Court has not gone into the merits of the matter and all points and contentions including the applicability of Section 14 of the Limitation Act is kept open. In the event, such application is filed same be decided as expeditiously as possible.
5. Pending application (s), if any, stand (s) disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)