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

**SECOND APPEAL NO. 198 OF 2022
WITH
INTERIM APPLICATION NO. 1450 OF 2022**

Shakuntala Shankar Gujar
since deceased through legal heirs
Sunita Vijay Gujrathi & Ors.

...Appellants

Versus

Anant Shankarsa Gujrathi
since deceased through legal heirs
Girish Anant Gujrathi & Ors.

...Respondents

Mr. Bhaskar Sachin Ajaykumar, for the Appellants.

Mr. Vivek V. Salunke, for Respondent No.1.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 18th JULY 2023**

P.C. :

1. In the present Second Appeal, challenge is to the legality and the validity of the Judgment and Decree passed by the learned Trial Court as confirmed by the learned Appellate Court. However, the decree passed is under the provisions of the Maharashtra Rent Control Act and therefore, the Second Appeal is not maintainable.

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2. Learned counsel appearing for the Appellants seeks withdrawal of the Second Appeal with liberty to file appropriate proceedings.
3. Mr. Salunke, learned counsel appearing for the Respondents states that the next date before the Executing Court is 19th August 2023.
4. Therefore, the Second Appeal is allowed to be withdrawn with liberty to file appropriate proceedings.
5. In view of the withdrawal of the Second Appeal, nothing survives in the Interim Application and the same is also dismissed.

[MADHAV J. JAMDAR, J.]