

Dusane

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

**SECOND APPEAL NO.146 OF 2022
WITH
INTERIM APPLICATION NO.1053 OF 2022**

Uttamchand Keshavchand ...Appellants
Lunawat

V/s.

M/s Ghodke Brothers, through ...Respondents
Proprietor Shri. Ashok Neminath
Ghodke

BHALCHANDRA
GOPAL
DUSANE

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Mr. M.S. Athalye h/for Mr. Shastry V.A. for
Appellants/Applicants.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 13th JANUARY, 2023**

P.C.:

1. Heard Mr. Athalye, learned Counsel appearing for the Appellants. Mr. Athalye fairly states that by the impugned order, delay condonation application filed in the First Appeal is dismissed. He states that the appeal was filed before the District Judge, Pune challenging the judgment and decree dated 19th June 2018 passed by the learned Additional Small Causes Court, Pune in Civil Suit No. 73 of 2017. The said suit was filed

under Section 26 of the Provincial Small Cause Courts Act, 1887. He, therefore seeks withdrawal of the Second Appeal with liberty to file appropriate proceedings.

2. In view of submissions of Mr. Athalye, the Second Appeal is allowed to be withdrawn with liberty to adopt appropriate proceedings.

3. In view of withdrawal of the Second Appeal, nothing survives in the Interim Application and the same is also disposed of.

(MADHAV J. JAMDAR, J.)