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

SECOND APPEAL NO.162 OF 2020

Shri. Digambar Vithoba Udata ...Appellants
(Since deceased)
1A. Smt. Nirmalbai Digambar Udata & Ors.

V/s.

Shri. Vinayak Tukaram Udata ...Respondents
(Since deceased)
1A) Smt. Parwati Vinayak Udata & Ors.

**WITH
CIVIL APPLICATION NO.148 OF 2020
IN
SECOND APPEAL NO.162 OF 2020**

Shri. Digambar Vithoba Udata ...Applicants
(Since deceased)
1A. Smt. Nirmalbai Digambar Udata & Ors.

V/s.

Shri. Vinayak Tukaram Udata ...Respondents
(Since deceased)
1A) Smt. Parwati Vinayak Udata & Ors.

Mr. I. M. Khairdi, for the Appellants/Applicants.

**CORAM : MADHAV J. JAMDAR, J.
DATE : 31st JANUARY, 2023**

P.C.:

1. Mr. I. M. Khairdi, learned counsel appearing for the Appellants seeks withdrawal of the Second Appeal with

liberty to file appropriate proceedings with respect to order dated 13th July, 2018 passed by learned District Judge-2, Solapur below Exh.-01 in Civil Misc. Application No.35 of 2015.

2. Leave to withdraw the Second Appeal is granted with liberty as aforesaid.

3. In view of withdrawal of the Second Appeal, nothing survives in the Civil Application No.148 of 2020.

4. It is clarified that, this Court has not considered the merits of the matter and all the contentions on merits are expressly kept open.

5. Refund of the Court fees as per rules is permitted.

(MADHAV J. JAMDAR, J.)