



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

SECOND APPEAL NO. 491/2013

Baban Ramchandra Shukla and others

Vs.

Parag Arvind Shukla and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Deshpande, Advocate for appellants
Shri A.A. Sambaray, Advocate for respondents

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 06/09/2023

Heard learned Counsel for appellants and respondents.

2. Learned Counsel for appellants filed pursis seeking permission to withdraw the second appeal unconditionally.

3. Learned Counsel for respondents vehemently opposed the application simply to withdraw and requested to impose costs, in view of Order 23, Rule 1 Sub Clause 4. It is his contention that the cost may be awarded as he was dragged into litigation unnecessarily.

4. I have perused the pursis. It appears that some suits, which are informed, not related to the subject matter in present appeal came to be withdrawn by respondents. As such, the appellants are permitted to withdraw the second appeal unconditionally. However, the appellants are hereby directed to pay respondents the amount of Rs.3000/-, as costs of the litigation. As such, second appeal stands disposed of.

(SMT. M.S. JAWALKAR, J.)