



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

945 SECOND APPEAL NO. 426 OF 1991

SHRIRAM DALPAT PATIL.
VERSUS
MADHAVRAO RAMRAO PATIL AND OTHERS.

...
Advocate for Appellant : Mr. M M Patil Beedkar,
Advocate for Respondent No.2 : Mr. D.V. Soman

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : September 10, 2024

ORDER:-

1. The learned counsel for the appellant submits that, the present dispute between the rival parties is in respect of cart way. Initially, the present respondent No.1 had filed a suit for declaration and injunction in respect of the said way which was dismissed. However, the learned First Appellate Court allowed the said suit and therefore, the appellant i.e. original defendant Shriram Ganpat Patil preferred this Second Appeal. It appears that respondent No.2 Suresh Narayan Patil was also joined since the portion of cart-way was allotted to his share during the partition. Now, the learned counsel for the appellant is saying that the present respondent No.3 Rajaram Appa Patil has in fact purchased the disputed portion of cart-way from brother of Suresh i.e. respondent No.2. Thus, it appears that respondent Nos. 1 and 2 are now having no

concerned with the cart-way and only respondent No.3 is concerned with the same. The learned counsel for respondent No.1/plaintiff has also confirmed this fact.

2. According to the oral instructions received from G.P.A holders of the appellant, the learned counsel for the appellant got the information that the dispute between appellant and respondent No.3 in respect of the disputed cart-way, has come to an end. The learned counsel for the appellant further submitted that the G.P.A holder of appellant is on the way and he may submit in writing that the dispute has ended.

Later on :

3. The G.P.A holder of the Appellant Ashok Shriram Patil is present before the Court personally. The learned counsel for the appellant filed on record written communication dated 10.09.2024 issued by the said G.P.A holder along with the settlement terms between appellant and added respondent No.3 and also other documents, such as Power of Attorney etc. It appears that the appellant and the contesting respondent No.3 have amicably settled the dispute between themselves. As such, the written communications along with annexures are taken on record and marked "X" for identification. The respondent Nos. 1 and 2 are already held to be not concerned with the dispute at present. As such, in view of the aforesaid

written communication, the present Second Appeal stands withdrawn and disposed of along with pending Civil Applications, if any.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni