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

SECOND APPEAL NO. 433 OF 2024

The Chief Executive Officer Zilla Parishad And Anr

....Applicant

VERSUS

Ms Shashi Constrution Parali Vaijnath Beed Through Kisan Narayan
Sapate And Ors

.....Respondent

.....
Advocate for Applicant : Mr. Shirsat Suhas R.

.....
WITH

**CIVIL APPLICATION NO. 13334 OF 2024
IN SA/433/2024**

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 12TH DECEMBER, 2024.

P.C. :-

1. Heard Mr. Shirsath, learned advocate appearing for the appellant. Appellant is the original defendant in R.C. S. No. 175 of 1995. The suit was decreed against the appellant thereby directing payment of Rs. 41 Lakhs to the plaintiff alongwith interest. Appellant/defendant filed R.C.A. No. 176 of 2015 before the District Judge. However, said appeal was dismissed for want of prosecution.

2. The appellant moved an application for restoration of the appeal alongwith application for condonation of delay. The learned District Judge rejected his prayer.

3. After arguing for some time, Mr. Shirsath submits that inadvertently second appeal is filed. In fact, he is challenging the order rejecting application for delay condonation in application for restoration of the appeal. As such, he seeks to withdraw the present appeal and submits that he would file appropriate proceedings.

4. Permission to withdraw present appeal is granted with liberty to file appropriate proceedings. Second appeal stands disposed of as withdrawn with liberty as prayed for. Pending civil application also stands disposed of.

[S.G. CHAPALGAONKAR, J]

grt/-