

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 214 OF 2019

Dattatraya Gopal Kulkarni

Since Deceased through Legal heir

Milind Dattatraya Kulkarni

.. Applicant

Versus

~~Suresh Madhav Kulkarni~~

Since Deceased through Legal heirs

Manisha Suresh Kulkarni and Ors.

.. Respondents

-
- Mr. Vijay Killedar, Advocate for Applicant.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 15, 2024.

P.C.:

1. Heard Mr. Killedar, learned Advocate for Applicant.
2. Mr. Killedar has drawn my attention to the impugned order dated 26.11.2018 as also to the say of the Applicant filed on Application below Exhibit "124" in Regular Darkhast No.73 of 1994. He would submit that Revision Applicant be allowed to withdraw the present Civil Revision Application considering the lapse of time. However he would submit to the Court that the Applicant has before the Executing Court raised specific objections with respect to presence of a well, electricity *khamb* (transformer) as also various houses situated and standing on the suit property which have been specifically identified in the Court Commissioner's Report dated 16.11.1997 and

withdrawal of the present Civil Revision Application should therefore not be held against the Applicant while defending the Regular Darkhast Application No.76 of 1994 regarding the above observations noted by the Court Commissioner.

3. I have perused the objections filed below Exhibit “124” – page No.19 of the Civil Revision Application and I find that the said objections are noted and raised in paragraph No.2 thereof.

4. In view of the above, Revision Applicant is permitted to withdraw the Civil Revision Application keeping all his contentions with respect to his objections raised in his Application below Exhibit “124” to be kept open to be agitated before the Executing Court in Regular Darkhast No.76 of 1994.

5. With the above directions, Civil Revision Application is allowed to be withdrawn.

[MILIND N. JADHAV, J.]

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