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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 490 OF 2024

INTERIM APPLICATION NO. 488 OF 2024

IN

SECOND APPEAL ST NO. 32000 OF 2023

Balbhim Bapu Anpat

.....Applicant

Vs.

Dilip Namdeo Yadav

.....Respondent

Mr. Bhalchandra S. Shinde for the applicant

CORAM : GAURI GODSE, J.

DATE : 27th NOVEMBER 2024

ORDER:

INTERIM APPLICATION NO. 490 OF 2024:

1. Learned counsel for the applicant on instructions of the applicant seeks leave to withdraw the present application and the second appeal with liberty to file appropriate application before the District Court for restoration of the Miscellaneous Application No. 23 of 2023. He submits that since the application was dismissed for non removal of office objections, the applicant would take steps to remove office objections and file appropriate application for restoration of

Miscellaneous Application No. 23 of 2023.

2. Leave granted with liberty as prayed. Interim Application No. 490 of 2024 and Second Appeal St No. 32000 of 2023 are permitted to be withdrawn with liberty to file appropriate application before the District Court at Baramati for restoration of Miscellaneous Application No. 23 of 2023.

3. If any such application is filed, the same to be decided in accordance with law by giving an opportunity to the applicant to remove office objections.

4. It is clarified that the applicant would be entitled to seek benefit of the pendency of present proceedings for seeking condonation of delay, if any, in filing the application before the District Court, Baramati.

5. Interim Application No. 490 of 2024 and Second Appeal St No. 32000 of 2023 are disposed of as withdrawn with aforesaid liberty.

6. In view of dismissal of second appeal, Interim Application No. 488 of 2024 is disposed of as infructuous.

[GAURI GODSE, J.]