

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3317 of 2008**

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HARISHCHANDRA NARAYNARAO KANADE LEGAL HEIRS OF
DECEASED & ORS.

Versus

PRABHAVATIBEN MIRAJIRAO KANADE & ORS.

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Appearance:

ADVOCATE NOTICE UNSERVED for the Appellant(s) No. 1.2

MR P P MAJMUDAR(5284) for the Appellant(s) No. 1,1.1,1.3,1.4

MR KV SHELAT(834) for the Defendant(s) No. 1,2,3

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CORAM:**HONOURABLE MR. JUSTICE DEVAN M. DESAI**

Date : 25/11/2025

ORAL ORDER

1. Learned advocate Mr. P.P. Majmudar for the appellants has tendered affidavits dated 15.02.2023 of appellant No.1.3 and 1.4, which are taken on record. It is submitted that appellant Nos.1.3 and 1.4 do not wish to proceed further with the captioned First Appeal in view of the aforesaid affidavits. It is further submitted that appellant No.1.1-Pushpaben widow of Harishchandra Kanade has expired and the legal heirs of deceased- Pushpaben are appellant Nos.1.3, 1.4 and 1.2. So far as the appellant No.1.2 is concerned, learned advocate Mr. P.P. Majmudar has submitted that he is not representing him in the present appeal. It is therefore, submitted that in view of the affidavits of appellant No.1.3 and 1.4, the respective appellants be permitted to withdraw the appeal.

2. In view of the aforesaid affidavits, appellant No.1.3 and 1.4 are permitted to withdraw the appeal. Accordingly, appeal of appellant No.1.3 and 1.4 stands disposed of as withdrawn. Interim relief, if any, be vacated forthwith.

3. So far as the appellant No.1.2 is concerned, the endorsement shows that 'Advocate Notice' has remained unserved due to 'not residing at the given address'. Therefore, it appears that appellant No.1.2 has changed the address as shown in the cause-title of the appeal and appellant Nos.1.3 and 1.4 are not aware about the new address of appellant No.1.2. In view of this and more particularly, the submission that the dispute has been resolved amicably, appeal of appeal No.1.2 stands dismissed for default, with a liberty to revive the appeal in case of any difficulty.

3. Record and Proceedings, if any, be sent back to the concerned Court / Tribunal forthwith.

(D. M. DESAI,J)

RINKU MALI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RINKU MALI(HC01574), PRIVATE SECRETARY, at High Court of Gujarat on 26/11/2025 11:31:16