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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.425/1991

Sayarchand Motilal Jain & others.
...Appellants..

Versus

Deoram Kaniram Kumavat
(died, through L.Rs.) & others.
...Respondents...

.....

Shri Rahul P. Dhase, Advocate for appellants.
Respondent Nos.1A, 1B, 1C(i) to (ii), 1D(i) to (iv), 1E
(i) to (iv), 1F to 1H, 2A to 2F served.
Shri P.R. Patil, Advocate for respondent no.3.

.....

CORAM: N.W. SAMBRE, J.

DATE: 26.06.2015

ORDER :

1] Present second appeal is by original defendant nos.5
& 6 questioning the dismissal of appeal by the learned
Additional District Judge, Jalgaon, on 18.6.1991 for non-
payment of process fees.

2] Present second appeal was admitted by this Court for
final hearing on 9.10.1991.

3] Amongst others, Shri P.R. Patil, the learned
counsel for the respondent no.3, though raised an

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objection to the tenability of the present appeal, this Court is not inclined to go into the same in view of pendency of this appeal before this court for last 25 years.

4] Upon instructions and with the consent of learned counsel appearing for the parties, the judgment and order dated 18.6.1991 delivered by the Additional District Judge, Jalgaon, in Civil Appeal No.589/1983, arising out of the judgment dated 27.10.1983 in Regular Civil Suit No.44/1979 delivered by the Court of Civil Judge, Junior Division, Chalisgaon; is hereby set aside. Regular Civil Suit No.44/1979 is restored to the file of the Court of Civil Judge, Junior Division, Chalisgaon Dist.Jalgaon and the said Court is directed to decide the suit in accordance with law. It is made clear that this Court has not gone into the merits of the matter and all the contentions of the parties are kept open. Record and proceedings, if received by this Court, be sent forthwith. The second appeal is disposed of accordingly. No order as to costs.

(N.W. SAMBRE, J.)