

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**APPEAL FROM ORDER NO.95 OF 2013
WITH
CIVIL APPLICATION NO.12781 OF 2013**

Pandit s/o. Keshav Joshi,
Age 84 years, occ. Nil,
r/o. 1276/1/1, "Kamal",
Opp M.S.E.B. Sub-Station,
Aagalgaon Road, Basrish,
Tq. Barshi, Dist.Solapur ..Appellant

Versus

Sow. Shailja w/o. Dnyaneshwar
Kulkarni, age 63 years,
occ.Household, r/o. Aleshwar,
Tq.Paranda, Dist. Osmanabad
and others ..Respondents

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Mr.S.Y.Mahajan, advocate for appellant

Mr.S.G.Chapalgaonkar, advocate for respondent no.3

Mr.P.B.Paithankar, advocate for respondent nos.4-A
to 4-E

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**CORAM : M.T. JOSHI, J.
DATE : JULY 09, 2015**

PER COURT :

Heard both sides.

2] Mr.Chapalgaonkar, learned counsel for respondent no.3, submits that the application filed by respondent no.3 in the District Court at Exhibit 18, shall be treated as not pressed and therefore, no further order would be required.

3] In view of the said fact, the order of learned District Judge remanding the case to the trial Court will have to be set aside. The same is, therefore, set aside.

4] Learned District Judge is directed to hear the appeal on its own merit on all the questions of law as well as facts.

5] With these observations, present Appeal from Order is disposed of without any order as to costs.

6] In view of the above, Civil Application No.12781 of 2013 also stands disposed of.

[M.T. JOSHI, J.]

kbp