

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL REVISION APPLICATION NO.294 OF 2013

Vasantrao Madhavrao Siddha,
since deceased, through
legal representative
Smt. Kusum Vasantrao Sidda
and anr.

..Applicants

Versus

Kanhaiyalal Dharamdas Chandwani
and others

..Respondents

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Mr.Mukul Kulkarni, advocate for applicants

Mr.V.S.Bedre, advocate for respondent nos.1 to 3,
5 and 6

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CORAM : M.T. JOSHI, J.

DATE : MARCH 23, 2015

PER COURT :

Heard both sides.

2] Rule. Rule made returnable forthwith by
consent of the parties.

3] Upon hearing both sides, it has become clear
that learned Judge of the appellate Court i.e.

Smt.S.K.Rizvi, District Judge-5, Ahmednagar, has just reproduced the text of the judgment of the trial court passed in Regular Civil Suit No.237 of 2004. Non-application of mind is, thus, explicit from the record.

4] In the circumstances, without making any comment on merit of the case, the case deserves to be remanded to the appellate Court.

5] Hence, the following order :-

i] The Civil Revision Application is allowed without any order as to costs.

ii] The judgment passed by learned District Judge-5, Ahmedagar is hereby quashed and set aside. Instead, the case is remanded back to the court of learned District Judge-5 for decision afresh upon hearing both sides.

iii] Considering the fact that the dispute between the parties is pending since 2004, learned District Judge is hereby directed to conclude hearing of the case and deliver the judgment within a period of three months from the date of appearance of the parties.

iv] Parties are directed to appear in the District Court on 17th April, 2015.

v] Record and Proceedings be sent back to the District Court.

vi] Rule is made absolute partly.

vii] The parties to act on authenticated copy of this order.

[M.T. JOSHI, J.]

kbp