

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.846 OF 2003

Smt.Vaijanta Vitthal Jadhav & Ors. .. Appellants
Vs.
Tanubai Vishnu Madane (since deceased)
1A.Sau.Shalan Maruti Shirtode & Ors. .. Respondents

Mr.N.J. Patil for the appellants.
Mr.Vinod Sangvikar i/by Mr.Umesh Mankapure for the respondent
nos.1A to 1G & 2.

CORAM : R.D. DHANUKA, J.
DATE : 26th November 2015

P.C.

. By consent of the parties, the following order is passed :-

- (i) The impugned order passed by the learned District Judge, Sangli on 5th August 2003 in Regular Civil Appeal No.91 of 1989 is set aside;
- (ii) The Regular Civil Appeal No.55 of 1989 is remanded back to the learned District Judge, Sangli for hearing and final disposal of the said appeal afresh. Learned District Judge shall formulate the points for determination in accordance with the provisions of the Code of Civil Procedure, 1908 and shall render a finding thereon after hearing both the parties and after considering the evidence, pleadings and provisions of law. Learned District Judge shall dispose of the Regular Civil Appeal No.55 of 1989 within four months from today;
- (iii) Both the parties have agreed to co-operate with each other and with the learned District Judge in expeditious disposal of the

Regular Civil Appeal No.55 of 1989. Ad-interim order passed by this Court earlier to continue till disposal of the Regular Civil Appeal No.55 of 1989 and for a period of four weeks thereafter.

- (iv) In view of the disposal of the second appeal, civil application does not survive and is disposed of accordingly;
- v) There shall be no order as to costs.

R.D. DHANUKA, J.