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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1452 OF 2014
IN
SECOND APPEAL NO.607 OF 2014

Uttam M. Gurav ...Applicant
V/s.
Ramesh M. Gurav & Ors. ...Respondents

Mr.S.S. Kulkarni for the Applicant.
Mr.Samir Kumbhakoni for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 19TH NOVEMBER, 2015.

P.C. :-

1. Rule. Learned counsel for the respondent no.1 waives service. After hearing learned counsel for both parties at length, I am of the *prima-facie* view that the impugned order passed by the appeal court is contrary to law and the issue of estoppel decided against the applicant by the District Judge is without any pleading or evidence. The applicant has succeeded before the trial Court which decree is reversed by the learned District Judge. The applicant has thus made out a case for grant of prayer clause (a) of the civil application.
2. The civil application is accordingly made absolute in terms of prayer clause (a). No order as to costs.

(R.D. DHANUKA, J.)