

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

927 WRIT PETITION NO. 5545 OF 2014

MURLIDHAR JAGANNATH KADAM  
VERSUS  
PRABHAVATI SHANKARRAO DESHPANDE AND OTHERS

...  
Advocate for Petitioner : Salunke V.D.  
AGP for Respondent/State: A.P. Basarkar  
Advocate for Respondents 2 & 3 : V.J. Dixit, Sr. Counsel i/b. A.S.  
Kulkarni  
...

**CORAM : T.V. NALAWADE, J.**  
**DATED : 29th November, 2016.**

**ORDER :**

1. Both the sides are heard. During arguments, a query was made on which Shri. Dixit, learned Senior Counsel for respondents submitted that he concedes that appeal needs to be decided on merit by M.R.T.

2. In view of this submission, petition is allowed. The order of dismissal of appeal filed by the present petitioner is hereby set aside. It is remanded back to M.R.T. for decision on merits. Both the sides are to appear before M.R.T. On 13.12.2016. Hearing needs to be expedited and in any case, within 45 days from 13.12.2016.

**[ T.V. NALAWADE, J. ]**

ssc/