

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**SECOND APPEAL NO. 446 OF 2016
WITH
CIVIL APPLICATION NO. 9047 OF 2016
WITH
SECOND APPEAL NO. 447 OF 2016
WITH
SECOND APPEAL NO. 513 OF 2016
WITH
SECOND APPEAL NO. 514 OF 2016**

Kantilal Bhagchand Kanakriya,
Died Through legal representatives:

1. Jayesh S/o Kantilal Jain and others ...APPELLANTS

versus

Madanlal Lalchand Jain and others ...RESPONDENTS

.....
Mr. R.R. Mantri, Advocate for appellants in second appeals No.446 and 447 of 2016.

Mr. Prakash S. Paranjape, Advocate for appellants in second appeals no. 513 and 514 of 2016

Mr. Ruchir S. Wani, Advocate for respondent No. 1 - Caveator

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 7th SEPTEMBER, 2016.

Order :-

1. Second appeals No. 446 and 447 of 2016 are preferred by legal heirs of one Kantilal Bhagchand Kanakariya aggrieved by common judgment and order dated 30-04-2016 in civil appeals no. 40 and 41 of 2012, passed by district judge, Nandurbar and judgment and decree dated 28-01-2000 in special civil suit no. 25 of 1991, passed by civil judge, senior division, Nandurbar. Against the same judgments, order and decree, second appeals No. 513 and 514 of 2016 have been

preferred by two of the legal heirs of Kantilal Bhagchand Kanakariya. Second Appeals No. 446 and 447 of 2016 are prior in point of time.

2. In the circumstances, learned counsel appearing for appellants very healthily conceded to that from aforesaid appeals, two be maintained. As such, learned Counsel Mr. Paranjape, on instructions, does not press for carrying on second appeals No. 513 and 514 of 2016.

3. As such, second appeals No. 446 and 447 of 2016 to proceed further whereas second appeals No. 513 and 514 of 2016 stand disposed of as "not pressed", without prejudice to second appeals No. 446 and 447 of 2016.

4. Post second appeals No. 446 of 2016 and 447 of 2016 on 28th September, 2016.

5. Interim relief granted earlier to continue.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK