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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.205 OF 2016
WITH
CIVIL APPLICATION NO.367 OF 2016

Smt.Tidiben N. Bharwar & Ors.	...Appellants
V/s.	
Smt.Urmila P. Thakur	...Respondent

Mr.Atul G. Damle, Senior Counsel i/b Mr.R.R. Lanjekar for the Appellants.

Mr.A.R. Gote for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 21ST SEPTEMBER, 2016.

P.C. :-

1. Learned counsel appearing for the respondent, on instructions from the son of the respondent – Mr.Saprem Prakash Thakur, who is present in Court and is authorized to make the statement, states that he has no objection if the impugned order passed by the learned District Judge, Thane on 7th November, 2014 in Civil Appeal No.31 of 2013 is set aside and if the said Civil Appeal is restored to file for reconsideration and is heard afresh. The statement is accepted.

2. By consent of parties, the impugned order and judgment

dated 7th November, 2014 passed by the learned District Judge, Thane in Civil Appeal No.31 of 2013 below Exhibit-17 is set aside. The Civil Appeal No.31 of 2013 is restored to file before the learned District Judge for reconsideration of the appeal on merits. It is made clear that the learned District Judge shall not be influenced by the observations made in the impugned order and the conclusion drawn therein while disposing of the civil appeal on merits. The civil appeal shall be decided on its own merits.

3. The learned District Judge shall make an endeavor to dispose of the Civil Appeal No.31 of 2013 within six months from the date of the authenticated copy of this order is being furnished to the learned District Judge by the appellant herein.

4. The parties are directed to appear before the learned District Judge – 8, Thane on 8th October, 2016 for fixing an early date.

5. The second appeal is disposed of in aforesaid terms. No order as to costs.

6. In view of the disposal of the second appeal, Civil Application No.367 of 2016 does not survive and the same is accordingly disposed of.

7. Learned counsel for the respondent on instructions states that during the pendency of the Civil Appeal No.31 of 2013, his client shall not proceed with the execution application filed before the

Executing Court in Regular Civil Suit No.118 of 2010.

8. Both the parties through their learned counsel state that they will proceed with the Civil Appeal No.31 of 2013 and will not ask for any unnecessary adjournment before the learned District Judge. The statement is accepted.

(R.D. DHANUKA, J.)