

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 302 OF 2016****IN****SECOND APPEAL NO. 170 OF 2016****Shriniwas Mangilal Malu****deceased, through legal heirs & Ors.****..... Appellants****VERSUS****Gulabchand Mangilal Malu****..... Respondent**

Mr. Shivaji Masal for the Appellants.

Mr. Manoj Patil for Respondent No.1.

**CORAM : R.D. DHANUKA, J.****DATED : 25<sup>th</sup> FEBRUARY, 2016****P.C.**

Rule returnable forthwith. Learned counsel appearing for the respondent waives service.

2. Heard learned counsel appearing for parties at great length. By a separate order passed by this court in Second Appeal No.170 of 2016, this court has already admitted second appeal on the substantial questions of law formulated.

3. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clause (c). No order as to costs. Hearing of the second appeal is expedited.

**[R.D. DHANUKA, J.]**