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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.258 OF 2015
WITH
CIVIL APPLICATION NO.565 OF 2015

Ganpati Y. Chavan	...Appellant
V/s.	
Sadashiv M. Suryawanshi & Ors.	..Respondents

Mr.Umesh Mankapure for the Appellant.

Mr.Tejpgal Ingle for the Respondent Nos.1 and 2.

Mr.M.G. Pail, A.G.P. for the State – Respondent Nos.5 and 6.

CORAM : R.D. DHANUKA, J.
DATE : 3RD OCTOBER, 2016.

P.C. :-

1. By consent of the appellant and the contesting respondent nos.1 and 2, the following order is passed :-

a). The impugned judgment and decree dated 6th January, 2015 passed by the learned Ad-hoc District Judge - 1 , Sangli in Regular Civil Appeal No.357 of 2008 (Exhibit No.38) is set aside. Regular Civil Appeal No.357 of 2008 and the cross-objection filed by the respondent nos.1 and 2 are restored to file. The first appellate Court is directed to decide the Regular Civil Appeal No.357 of 2008 along with the cross-objection filed by the respondent nos.1 and 2

afresh. It is made clear that the first appellate Court shall not be influenced by the observations and the conclusion drawn in the judgment and decree dated 6th January, 2015 and shall decide the matter in accordance with law.

b). The first appellate Court shall make an endeavor to dispose of the the Regular Civil Appeal No.357 of 2008 along with the cross-objection expeditiously and not later than six months from the date of communication of this order.

c). All parties to those proceedings shall appear before the first appellate Court on 24th October, 2016.

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

3. In view of disposal of the second appeal, the Civil Application No.565 of 2015 does not survive and is accordingly disposed of.

4. The office is directed to transmit the record and proceedings to the first appellate Court expeditiously.

(R.D. DHANUKA, J.)