

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.413 OF 2013

Madhuri Namdev Bhasme .. Appellant
Versus
Smt. Mangala Vasantrao Kulkarni and Anr. ..Respondents

Mr. Tejpal Ingale for appellant
Mr. Bhushan Mandlik i/b. S.S.Patwardhan for respondent No.1.

CORAM : R.D.DHANUKA, J.

DATE : 18th October 2016.

P.C.

1] By consent of parties, following order is passed:-

(a) The judgement and decree dated 30th June 2007 passed by the learned trial Judge in R.C.S.No.243 of 2002 and the judgement and decree passed by the first appellate court in R.C.S.No.251 of 2007 dated 21st January 2013 is set aside. The R.C.S. No.243 of 2002 is restored to file.

(b) The plaintiff is at liberty to file application for amendment of plaint. If such an application is filed by the applicant, the same shall be

served on the other parties well in advance.

(c) It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of both sides are kept open.

(d) The learned Trial Judge shall decide the matter afresh without being influenced by the observations made and the conclusions drawn in the judgement and decree passed by the learned trial Judge on 30th January 2007 and the judgement and order passed by the first appellate court on 21st January 2013.

(e) Second Appeal is disposed of in the aforesaid terms. If the applicant makes any application for leading additional or fresh evidence the same shall be dealt with by the learned Trial Judge on its own merits.

(R.D.DHANUKA, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1001 OF 2013
IN
SECOND APPEAL NO.413 OF 2013

Madhuri Namdev Bhasme .. Appellant
Versus
Smt. Mangala Vasantrao Kulkarni and Anr. ..Respondents

Mr. Tejpal Ingale for appellant
Mr. Bhushan Mandlik i/b. S.S.Patwardhan for respondent No.1.

CORAM : R.D.DHANUKA, J.

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1] In view of disposal of the second appeal, this application does not survive and the same is disposed of accordingly.

(R.D.DHANUKA, J)