

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

CIVIL APPLICATION NO. 1235 OF 2016

in

SECOND APPEAL NO. 549 OF 2015

Mr. Nagnath Arjun Sarwade.

... Applicant.

In the matter of

Mr. Nandkumar Vithal Mokashi.

... Appellant.

V/s.

Mr. Nagnath Arjun Sarwade.

... Respondent.

Mr. Surel Shah for the Applicant/Orig. Respondent.

Mr. A.B. Tajane for Orig. Appellant.

CORAM : N.M. Jamdar, J.

11 August, 2016.

P.C. :-

On 8 August 2016 following order was passed :-

*“ Not on board. Taken on production board
by way of praecipe.*

*2. The learned Counsel for the parties submit
that at the time when the order was passed on 28*

July 2016, the correct position as regard the possession of the suit property was not informed to the Court and therefore, both the parties state that the directions as regard appointment of Court Receiver and Agent, etc. is not necessary.

2. In view of this position, the order dated 28 July 2016 will have to be recalled and the Appeal will have to be heard on merits. Place the Appeal on board on 11 August 2016 for 'directions'. The learned Counsel for the parties state that they will make a formal application for review in this regard."

2. Accordingly, by consent of parties, the Civil Application is allowed in terms of prayer clauses (a) and (b). The order dated 28 July 2016 stands recalled.

(N.M. Jamdar, J.)