

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 105 OF 2016
ALONGWITH
CIVIL APPLICATION NO.163 OF 2016

Vishwanath Baloba Nannajkar

..... Appellant

VERSUS

Dilip Baburao Nannajkar
(deceased through Lrs.) & Ors.

..... Respondents

Mr.A.Kumbhakoni, Senior Advocate a/w. Mr. Umesh Mankapure for the Appellant.

Mr.Sanjay D.Thokade for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 20th DECEMBER, 2016

P.C.

Learned counsel appearing for the respondents states that his clients have no objection if the impugned judgment and decree dated 13th October,2015 passed by the learned District Judge-1, Barshi in Civil Appeal No.163 of 2014 is set aside and if the said civil appeal is remanded back and is heard afresh in accordance with law. Statement is accepted.

2. By consent of parties, judgment and decree dated 13th October,2015 passed by the learned District Judge-1, Barshi in Civil Appeal No.163 of 2014 is set aside. Civil Appeal No.163 of 2014 is restored to file and is directed to be heard afresh in accordance with law. It is made clear that the learned District Judge-1, Barshi shall decide the said civil appeal without being influenced by the observations and conclusions drawn in the judgment and decree dated 13th October,2015

expeditiously.

3. The parties shall co-operate with each other and with the learned District Judge-1, Barshi to dispose of the said civil appeal expeditiously.
4. The learned District Judge-1, Barshi shall make an endeavour to dispose of the said civil appeal within one year from the date of communication of this order.
5. It is made clear that the interim order prevailing if any, during the pendency of the said Civil Appeal No.163 of 2014 to continue during the pendency of the civil appeal and for a period of four weeks thereafter.
6. Second appeal is disposed of in the aforesaid terms. No order as to costs.
7. In view of disposal of the second appeal, civil application does not survive and is accordingly disposed of.

(R.D.DHANUKA, J.)