

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 08068 of 2017

District : Aurangabad

Ajay s/o. Tulsidas Mote,
Age : 48 years,
Occupation : Service,
R/o. Tulsi Sadan, Vishnu Naga,
Behind Akashwani, Aurangabad.

.. Petitioner.

versus

Sushilabai w/o. Satwajirao Jagtap,
Age : 70 years,
Occupation : Household,
R/o. Nawabpura, Aurangabad.

.. Respondent.

.....

Mr. Anil S. Bajaj, Advocate, for the petitioner.

*Mr. V.D. Sapkal, Advocate, holding for
Mr. Vishwanath R. Shinde, Advocate, for the
respondent (caveator).*

.....

CORAM : SUNIL P. DESHMUKH, J.

DATE : 27TH JUNE 2017

ORAL ORDER :

01. Heard learned Counsel for the parties.

02. Looking at the situation emerging from the decision of the Supreme Court in the case of M/s. Eastern Equipment and Sales Ltd. Vs. ING. Yash Kumar Khanna [AIR 2008 SC 2360], parties reconcile to that the application rejected under the impugned order would be required to be considered at the time of hearing of the appeal.

03. In the circumstances, the impugned order dated 19.04.2017 stands sets aside. Application Exhibit 14 is restored before first appellate Court for considering along with the appeal. Needless to refer to that the application will have to be reconsidered afresh in accordance with merits, without being influenced by the earlier decision on the application.

04. The Writ Petition stands disposed of accordingly.

(Sunil P. Deshmukh)
JUDGE

.....