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

SECOND APPEAL NO.124 OF 2013

Ashubee w/o Shaikh Khaja ..APPELLANT

VERSUS

Premilabai D/o Narayan Taiwade
W/o Gangaram Suryawanshi ..RESPONDENT

Mr P.R. Katneshwarkar, Advocate for appellant

CORAM : NITIN W. SAMBRE, J.

DATE : 23rd November, 2017

ORAL ORDER:

The substantial question of law which need considered in the present appeal are:-

(1) Whether in an appeal preferred by present appellant-original plaintiff, being aggrieved to the extent of refusal to decree the suit in entirety (as the suit was decreed partly), the lower appellate court has committed an error of law ?

(2) Whether the lower appellate court has committed an error in dismissing the suit of the appellant-plaintiff, which was decreed to the extent of discretionary relief of refund of the earnest money ?

2. The appeal is pending for last four years. If service on respondent is not completed by 1st February, 2018, by all permissible modes, the appeal shall stand dismissed without further reference to the Court.

(NITIN W. SAMBRE, J.)

amj