

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL (STAMP) NO.938 OF 2017

WITH

CIVIL APPLICATION NO.84 OF 2017

IN

SECOND APPEAL (STAMP) NO.938 OF 2017

Shri. Ramchandra Genu Raut

...Appellant

vs.

Shri. Mohan Kondiram Wadkar

...Respondent

....

Mr. Y.P. Narwankar, for the Appellant.

Mr. Surel S. Shah, for the Respondent.

.....

CORAM : S.C. GUPTE, J.

DATED : 30 JANUARY 2017

P.C. :

. After the matter was heard at length, it was kept back to enable the Respondent's Advocate to take instructions if this matter could be sent back to the District Court.

2. Learned Counsel for the Respondent, upon instructions, states that he is agreeable to have the order set aside and matter to be remanded to the learned District Judge-2, Satara.

3. Accordingly, the appeal is disposed of by consent of parties by setting aside the impugned judgment and order dated 1 December 2016 passed by the learned District Judge-2, Satara and remand Regular

Civil Appeal No.402 of 2012 to the learned District Judge-2, Satara for fresh hearing in accordance with law. Considering the fact that the suit is of the year 1999, the learned District Judge shall decide the appeal as expeditiously as possible and, in any event, latest by 30 April 2017. Both parties have agreed not to seek any adjournment of the appeal before the learned District Judge.

4. Learned Counsel for the Appellant, on instructions, states that he is in possession of the suit premises and will not part with the same during the pendency of the Regular Civil Appeal. The statement is accepted.

5. In view of the disposal of the Second Appeal, the Civil application does not survive and the same is also disposed of.

(S.C. GUPTE, J.)