

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

**SECOND APPEAL NO.211 OF 2016  
WITH  
CIVIL APPLICATION NO.389 OF 2016**

Mahadu Baburao Bhujbal (deceased)  
and Ramchandra Mahadu Bhujbal and Ors.      ...      Appellants  
versus  
Suresh Parshuram Kulkarni and Ors.      ...      Respondents

Mr. Venkatesh Shastry, for Appellants/Applicants  
Mr. K.K.Jadhav, for Respondents.

**CORAM: S.J. KATHAWALLA, J.**

**DATE: 18th SEPTEMBER, 2017**

**P.C.:**

1.                    Heard the learned Advocates for the parties and by consent, the following order is passed :

(i)    The Judgment and order passed by the First Appellate Court dated 1<sup>st</sup> January, 2016 is set aside.

(ii)   The First Appellate Court shall hear the parties and decide the Appeal afresh within a period of six weeks from the date of this order.

(iii) The parties shall not be allowed to lead any further oral and/or documentary evidence.

(iv) All contentions of the parties are kept open.

(v)   Until the First Appellate Court decides the Appeal afresh, the parties

shall maintain status quo as of today in respect of the suit property.

(vi) The parties and/or their Advocates shall appear before the First Appellate Court on 25<sup>th</sup> September, 2017 at 11.00 a.m., and obtain necessary directions in the matter.

(vii) It is clarified by the learned Advocate for the Appellants that the contention that the Trial Court ought to have allowed prayer clause (a) of the Plaint is not pressed by the Appellants now and shall not be pressed in future.

(viii) The above Second Appeal as well as Civil Application are accordingly disposed off.

**( S.J.KATHAWALLA, J. )**