

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO.501 OF 2016
WITH
CIVIL APPLICATION NO.507 OF 2013
IN
SECOND APPEAL NO.501 OF 2016**

Sou. Indubai Babasaheb Patil
(Since deceased through legal heirs)

...Appellant
(Orig. Plaintiff No.5)

vs.

Smt. Kanchan Vishwas Salokhe & Ors.

...Respondents

....
Mr. Datta H. Pawar, i/b. M/s. Onash Legus, for the Appellant.

Mr. Manoj a. Patil, for Respondent Nos. 1 to 3.

Mr. Vikrant A. Desai, for Respondent Nos. 4 to 7.

Mr. Sushant Salokhe, Respondent No.2 present in Court.

Mr. Anil Salokhe, Respondent No.4 present in Court.

.....

CORAM : S.C. GUPTE, J.

DATED : 7 FEBRUARY 2017

P.C. :

. This Second Appeal challenges a judgment and order passed by the District Court at Kolhapur in Regular Civil Appeal No.130 of 2008. By the impugned judgment and order, the learned District Judge allowed the appeal filed by the Respondents (Original Defendant Nos. 1 to 3) against a judgment and decree passed in Regular Civil Suit No.366 of 2001 filed by the predecessors of the Appellant and Respondent Nos.

4 to 6 (Original Plaintiffs). Learned Counsel for Respondent Nos. 1 to 3, who are original Defendants to the suit, states that his clients (Respondent No.2, being present in Court) have no objection to the Second Appeal being allowed and the original judgment and decree of the Trial Court being restored. Respondent No.4 (Original Plaintiff No.4) is also present in Court.

2. Accordingly, the impugned judgment and order of the learned Adhoc District Judge-1, Kolhapur, is set aside and the judgment and decree passed by the Joint Civil Judge, Junior Division, Kolhapur on 31 January 2008 in Regular Civil Suit No.366 of 2001 is restored. No order as to costs.

3. 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.)