

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3706 OF 2015
WITH
CIVIL APPLICATION (L.) NO.7109 OF 2015
IN
FIRST APPEAL (ST.) NO.7107 OF 2015

Brijbhushan Shivshankar Gupta and Anr. ...Applicants

vs.

Bhiva Kashinath Mhatre and Another ...Respondents

Mr. Vishwajit Sawant a/w. Ms. Monisha Mane-Bhangale and Ms. Shradha Achliya i/b. ALMT Legal, for the Applicants.

Mr. S.M. Sabrad, for the Respondent No. 1.

Mr. Madhav Kulkarni i/b. Mr. M.V. Thorat, for Respondent No. 2.

CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.

DATE : JULY 21, 2017

P.C.:

. Heard learned counsel for the parties on the Civil Application No. 3706 of 2015 seeking leave to Appeal against the judgment and decree dated 20th December, 2013 passed by the trial Court in Special Civil Suit No. 212 of 2013. On due consideration and for the reasons stated in the said Application, we are of the view that the Applicants are entitled to challenge the said judgment and decree passed in the Special Civil Suit.

2. In the circumstances, we allow the Application and grant leave to Appeal.
3. The Civil Application No. 3706 of 2015 stands disposed of as such.
4. Heard learned counsel for the parties on First Appeal (St.) No. 7107 of 2015.
5. On due consideration, the Appeal is admitted for hearing.
6. Issue notice to the Respondents. The learned counsel Mr. Sabrad waives service of notice on behalf of Respondent No. 1 and Mr. Kulkarni waives service of notice on behalf of the Respondent No. 2.
7. Let the memo of the Appeal as also the Civil Application for stay be supplied to the counsel for the Respondents within three days. Reply to be filed within four weeks.
8. List the Civil Application (L) No.7109 of 2015 for consideration on 22nd August, 2017.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)