

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

SECOND APPEAL NO. 798 OF 2016

Shri Rangrao Riuba Pisal & Anr. ...Appellants
vs.
Shri Vasant Malhari More & Ors. ...Respondents

Mr.Anilkumar Patil for Appellants.
Mr.R.A. Shelke for Respondent Nos.1, 2A to 2D..

CORAM : S.C. GUPTE, J.

16 MARCH 2017

P.C.:

Heard learned Counsel for the parties.

2 After the matter was heard at some length, it has been agreed between learned Counsel for both parties that the impugned judgment and order of the lower appellate court can be set aside and the matter remanded to the lower appellate court for a fresh consideration in accordance with law.

3 Accordingly, the second appeal is allowed by setting aside the impugned judgment and order passed by the Ad-hoc District Judge, Sangli dated 4 January 2016 and remanding Regular Civil Appeal No.125/2013 to the District Court at Sangli for a fresh hearing on the issue of readiness and willing of the Respondent (original Plaintiff) to perform his part of the contract under the suit agreement for sale dated 15 June 1989.

4 All rights and contentions of the parties on merits are expressly kept open.

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.)