

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

**SECOND APPEAL NO.650 OF 2017
WITH
CIVIL APPLICATION NO.1202 OF 2017**

Taparia Tools Ltd. ... Appellant
versus
Pushpa Ramchand Dolwani and Anr. ... Respondents

Mr. Prasad Dani, Senior Advocate i/by Mr. J.M.Patil, for Appellants.
Mr. Ganesh C. Gavnekar for Respondent No.1.

CORAM: S.J. KATHAWALLA, J.

DATE: 31st AUGUST, 2017

P.C.:

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

(i) The order dated 31st January, 2017 passed by the District Judge 7 and Additional Sessions Judge, Nashik is set aside.

(ii) The District Judge, Nashik shall hear Regular Civil Appeal No.338 of 2012 afresh and pass final order on the Appeal within a period of four weeks from the date of this order. However, the parties shall not be allowed to tender/lead any further evidence.

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

(iv) The above Second Appeal as well as Civil Application are accordingly

disposed of.

(v) In view of this order, the execution proceedings shall not be proceeded with.

(S.J.KATHAWALLA,J.)