

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 637 OF 2017
WITH
CIVIL APPLICATION NO. 873 OF 2017

Santosh Sidram Mane ... Appellant

Versus

Prakash Mahadeo Mhetre ... Respondent

Mr.Niranjan Shimpi for the Appellant/Applicant.

Mr.S.P. Rajepandhare for the Respondent.

CORAM : S.J. KATHAWALLA, J.

DATED : 19th SEPTEMBER, 2017

P.C.:

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

(a) The Order passed by the First Appellate Court is set aside.

(b) The First Appellate Court shall hear the Appeal afresh and dispose off the same within a period of 12 weeks from today.

(c) The Appellant/Applicant shall be at liberty to file Application under Order 41 Rule 23A of the Civil Procedure Code before the First Appellate Court which shall be decided by the First Appellate Court on its own merits.

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

(e) Parties and/or their Advocates shall appear before the First Appellate

Court on 25th September, 2009 at 11.00 a.m. and after producing the order passed by this Court before the Appellate Court shall obtain necessary orders/directions.

(f) Ad-interim order passed by this Court shall continue upto 25th September, 2017.

2. The above Second Appeal as well as Civil Application are accordingly disposed off.

(S.J.KATHAWALLA, J.)