

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

**SECOND APPEAL NO.622 OF 2013
WITH
CIVIL APPLICATION NO.923 OF 2016**

Nana Babu Jadhav (Waghe) and Ors. ... Appellants
versus
Balkrishna Ramchandra Bidave and Ors. ... Respondents

Mr. Santaram Tarale, for Appellants/Applicants.
Mr. Ajay Joshi, for Respondent Nos.1 to 3.

CORAM: S.J. KATHAWALLA, J.

DATE: 18th SEPTEMBER, 2017

P.C.:

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

(i) The orders passed by the Trial Court as well as the First Appellate Court are set aside and Regular Civil Suit No.397 of 2003 is restored to the file of the Trial Court.

(ii) The Trial Court shall allow the parties to produce and lead evidence and decide the issues afresh.

(iii) The Trial Court shall also be entitled to frame further issues in the Suit if necessary.

(iv) The Trial Court shall endeavour to finish the trial within a period of 16

weeks from the date of receipt of this order. If necessary, the trial Court shall proceed with the Suit on day to day basis.

(v) The parties and/or their Advocates shall appear before the Trial Court on 25th September, 2017 at 11.00 a.m., and obtain necessary directions in the matter.

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

(vii) Revision Application filed by the Respondents before the Minister of Revenue shall be decided on its own merits without being influenced by this order.

(viii) The above Second Appeal as well as Civil Application are accordingly disposed off.

(S.J.KATHAWALLA, J.)