

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

**SECOND APPEAL NO. 607 OF 2016
WITH
CIVIL APPLICATION N. 1134 OF 2016**

M/s.Noori Construction Pvt.Ltd.	...Appellant
vs.	
Mrs.Bhavnaben Dilipbhai Patel	...Respondent

Mr.Girish Godbole with Mr.Z.A. Jariwala & Associates for Appellant.
Mr.Saurabh Oka for Respondent.
Mr.Manish Patel, Constituted Attorney of Respondent present in person.

CORAM : S.C. GUPTE, J.

6 MARCH 2017

P.C.:

After the matter has been argued at some length, it is agreed by learned Counsel for the Respondent, on instructions of his client, who instructs the Advocate through a constituted attorney, who is present in court, that the impugned judgment and order passed by the District Court at Thane can be set aside and the appeal remanded to the District Court for a fresh hearing in accordance with law.

2 Accordingly, the impugned judgment and order dated 15 February 2016 passed by the District Court at Thane in Civil appeal No.112/2014 is set aside and the civil appeal is remanded to the District Court at Thane for a fresh hearing in accordance with law. The second appeal is disposed of.

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

4 In view of the disposal of the second appeal, the civil application does not survive and the same is disposed of.

5 On joint request of the parties, the parties are directed to appear before the District court with an authenticated copy of this order on 15 March 2017. The learned District Judge shall dispose of the civil appeal, as expeditiously as possible, and preferably within a period of four months from 15 March 2017.

(S.C. GUPTE, J.)