

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

**SECOND APPEAL NO.11 OF 2016
WITH
CIVIL APPLICATION NO.13 OF 2016**

Ismail Jainulabiddin Namaji And Others ... Appellants/Applicants
Versus

Appasaheb Pandurang Desai And Others ... Respondents

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Mr. P.R. Arjunwadkar for the Appellants/Applicants.

Mr. Sangramsinh Yadav for Respondent Nos.1, 2/1 to 2/5, 3 And 11.

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CORAM : S.C. GUPTE, J.

DATE : 20 MARCH 2017

P.C. :

. The second appeal impugns the judgment and order passed by the District Court at Kolhapur in Regular Civil Appeal No.125 of 2012. It is agreed between Counsel for both sides that the Second Appeal can be disposed of by setting aside the impugned judgment and order and remanding the civil appeal to the District Court for a fresh hearing in accordance with law.

2 Accordingly, the second appeal is allowed by setting aside the impugned judgment and order dated 6 April 2015 and remanding Regular Civil Appeal No.125 of 2012 to the District Court at Kolhapur, for fresh hearing in accordance with law.

3 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.)