

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1338 OF 2017
IN
SECOND APPEAL NO. 319 OF 1994

Mohan Narhari @ Ranba Devakate ... Applicant

Versus

Shashikant Prabhuling Swamy Vairagkar ... Respondent

Mr.Sarthak Diwan i/by Mr.V.V. Purwant for the Applicant/Appellant.
Mr.D.N. Kulkarni i/by Mr.S.D. Dharmadhikari for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 11th SEPTEMBER, 2017

P.C.:

1. Perused the above Civil Application. For the reasons set out therein, the order of dismissal dated 22.09.2016 is set aside. The above Civil Application is accordingly disposed off.
2. Place the above Second Appeal for hearing and final disposal on 31.10.2017 at 3.00 p.m.
3. The Advocate for the Applicant/Appellant shall serve a copy of this order on the Respondent by Speed Post/Registered Post A.D. and/or by hand-delivery and file an Affidavit proving service on the adjourned date.
4. Advocate Mr.S.D. Dharmadhikari who had earlier represented the Respondent in the matter shall also inform the Respondent that the order of dismissal dated

22.09.2016 is set aside and the above Second Appeal is placed for hearing and final disposal as directed herein.

5. The orders of status-quo dated 29.04.1994 and 17.06.1994 are restored and shall continue to operate, until further orders.

6. Stand over to 31.10.2017 at 3.00 p.m.

(S.J.KATHAWALLA, J.)