

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 716 OF 2017
WITH
CIVIL APPLICATION NO. 1206 OF 2017

Shri. Dhondiram Bhimaji Kandekar

... Appellant

Versus

Shri. Bhaskar Yashwant Kandekar

... Respondent

Mr. Girish Agrawal for the Appellant/Applicant.

Mr. Ashok Pandhire for the Respondent.

CORAM : S.J. KATHAWALLA, J.

DATED : 27th SEPTEMBER, 2017

P.C.:

1. Heard the Learned Advocates appearing for the parties. Following order is passed, by consent.

(a) The orders passed by the Trial Court and the First Appellate Court are set aside.

(b) The Trial Court shall conduct the trial afresh and endeavour to dispose off the suit within a period of 12 weeks from the date of this order. No adjournments shall be granted to either side unless absolutely necessary.

(c) The original Plaintiff shall be allowed to amend the plaint and also file a fresh Affidavit and compilation of documents.

(d) The Court shall also order/allow fresh measurement to be carried out in respect of the suit property.

(e) Parties and/or their Advocates shall appear before the Trial Court on 4th October, 2017 at 11.00 a.m. and obtain necessary directions in the matter.

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

(S.J.KATHAWALLA, J.)