

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

**WRIT PETITION NO.8680 OF 2015
WITH
WRIT PETITION NO.8681 OF 2015**

**Suresh Baburao Pai : Petitioner.
versus
Mrs. Rama P Rao
since deceased through LRs : Respondents.**

**Mr. P S Dani, Senior Advocate i/by Mr. P B Kulkarni for the Petitioner.
Mr. P G Lad a/w Mrs. Sayli Apte for the Respondents.**

**CORAM : R. M. SAVANT, J.
DATE : 26th APRIL 2017**

P.C.

1 The above Petitions challenge the order dated 01/08/2015 rejecting the Applications (Exhibit 31 and 71) filed by the Plaintiff and allowing the Applications (Exhibit 32 and 72) filed by the Applicant i.e. the Respondent No.2 herein.

2 The above Petitions were heard substantially on 20/04/2017 and were adjourned for Shri P G Lad the learned counsel for the Respondents to take instructions. The learned counsel Shri P G Lad on instructions states that the Respondents are agreeable to the impugned order dated 01/08/2015 being set aside and the matter being relegating back to the Trial Court for a de-novo consideration of the Applications filed by the parties, for which detailed reasons need not be given. The Applications (Exhibits 32 and 72) to be

decided by conducting inquiry under Order XXII Rule 5 of the Code of Civil Procedure. In so far the Applications (Exhibits 31 and 71) are concerned, the same would be contingent upon the decision that would be rendered on the Applications (Exhibits 32 and 72). Needless to state that the contentions of the parties are kept open for being urged before the Trial Court. The Trial Court to adjudicate upon the said Applications by giving proper opportunities to the parties. With the aforesaid directions, the above Writ Petitions are disposed of. If the parties are desirous to file further pleadings, the Trial Court may permit them to do so but within a particular time frame.

[R.M.SAVANT, J]