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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY***

***CIVIL APPELLATE JURISDICTION***

***CIVIL APPLICATION NO.19 OF 2017***

***IN***

***CIVIL REVISION APPLICATION (ST) NO.33563 OF 2016***

Kirit Kumar Chatrabhauj Barot & Ors. ..Applicants.

V/s.

Rajendrasinh Fattehsinh Gole & Anr. ..Respondents.

Ms.Shweta Sharma with Ms.Charu Shukla i/b. M/s. Solicis Lex for the Applicants.

Mr.A.S.Khandeparkar with Mr.Amogh Karandikar for the Respondents.

***CORAM : N.M.Jamdar, J.***

***DATED : 27 January, 2017***

**P.C. :-**

The Civil Application is taken out seeking 128 days delay in filing the Civil Revision Application. Heard the learned counsel for the parties. Sufficient reasons are made out for condonation of delay. The Civil Application is made absolute in terms of prayer clause (a).

2. By consent of the parties, the Civil Revision Application

is taken up for final disposal. The matter was heard from time to time. The learned counsel for the parties request that the Revision Application be disposed of in the following terms and no reasons thereof in support of this order be given.

3. Accordingly, at the joint request of the learned counsel for the parties, the Civil Revision Application is disposed of as under :-

- (a) The order dated 24 June, 2016 in Regular Civil Appeal No.195/2013 passed by the learned District Judge, Kalyan and the judgment and decree dated 8 August, 2013 passed by the learned Civil Judge, J.D., Kalyan in Regular Civil Suit No.45/2007 are quashed and set aside;
- (b) Regular Civil Suit No.45/2007 filed by the Respondent stands restored to file. The suit will be decided on its own merits on the basis of the evidence already led;
- (c) The learned Civil Judge will make an endeavour to dispose of the suit within a period of six months from the date the parties appear before the learned Civil Judge, J.D., Kalyan as the learned counsel for the parties state that only oral arguments would be led before the learned Civil Judge, J.D., Kalyan. However, this directions will be subject to the earlier time

bound commitments / directions issued;

(d) All contentions of the parties on merits are kept open;

3. The learned counsel for the parties state that their respective clients are present in the Court and they have understood and have been explained the said order.

4. The Civil Revision Application is disposed of accordingly.

*(N.M.Jamdar, J.)*