

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 607 OF 2017

Shaikh Yunus Shaikh Sikandar	...Applicant
<i>Versus</i>	
Mohammad Farique Jauddin Kokani	...Respondent

Mr Milind M Sathaye, *for the Applicant.*
Mr Gurudas Gorwadkar, *for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 27th November 2017

PC:-

1. **Rule**, returnable forthwith.

2. The appellate order dated 11th October 2017 in Civil Appeal No. 145 of 2014 does not contain an adequate discussion of the evidence that was available in the Trial Court. This was, after all, a substantive first appeal and the evidence was required to be appreciated afresh.

3. The impugned order is quashed and set aside but without any assessment on merits of the respective cases. Civil Appeal No. 145 of 2013 is restored to file.

4. The District Judge, Nashik is requested to hear Civil Appeal No. 145 of 2013 afresh, all contentions being left open and to dispose it of at his earliest convenience, preferably within six months from the date of receipt of this order.

5. The Civil Revision Application is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)