

**SUIT NO. 353 OF 2009**

4. We have gone through the order passed by the Division Bench of this court on 28.11.2016. The Division Bench in paragraph 6 had

recorded a categorical findings which reads thus :

*“6. Very old Original Side appeals arising out of decrees are pending for hearing for more than 15 years. In fact, on the final hearing cause list of the last week, there were appeals from the year 2005 arising out of final orders in Testamentary suits, and therefore, it will not be proper to give out of turn priority to the hearing of this Appeal of year 2015.”*

5. In view of the aforesaid and the fact that there is no change in the circumstances, we are not inclined to allow the Notice of Motion. Accordingly, the Notice of Motion is rejected.

**(M.S. SONAK, J.)**

**(SHANTANU S. KEMKAR, J.)**