

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6959 OF 2018
WITH WP/6971/2018

SUKHRAMDAS NICHALDAS MANDHWANI THROUGH
LRS PREM GURUMUKHDAS MANDHWANI
VERSUS
PRITAMSINGH BHAGATSINGH ARORA

....

Advocate for Petitioners : Mr. Kishor C. Sant

Advocate for Respondents : Mr. S.B. Yawalkar

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CORAM : N. M. JAMDAR, J.
DATED : 19 DECEMBER 2018

PER COURT:-

1. Heard the learned counsel for the parties.
2. By the impugned orders the learned District Judge has rejected the application moved by petitioner for remand of the proceedings to the trial court. The learned District Judge has observed that at an interim stage, when the appeals are not fully heard, it is not necessary to remand the matter to the trial court and that question would be considered at the time of hearing of the appeal. The learned counsel for the petitioner states that the findings recorded in the impugned orders may affect the decision to be taken by the learned District Judge at the time of hearing of the appeals to decide

whether remand is necessary.

3. This apprehension is not warranted. What the learned District Judge has meant in the impugned orders is that only at an interim stage, without fully hearing the appeals, it is not possible to remand the appeals. That does not mean that after hearing the arguments if the learned District Judge comes to the conclusion that the matter needs to be remanded, it will not be so remanded. The learned District Judge has given this clarification in the impugned order itself which shows the observations are prima facie. This position is also accepted by the respondents.

4. In these circumstances, writ petitions are disposed of.

(N. M. JAMDAR, J.)

rlj/