

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
APPEAL FROM ORDER NO.37 OF 2017

Vitthal s/o Kondibaseth Akkar Appellant

Versus

Dilip s/o Popalaji Jaiswal & another Respondents

Mr.S.V.Kurundkar, advocate for the appellant.

Mr.R.A.Jaiswal, advocate for Respondent No.1.

Mr.S.S.Dande, advocate for Respondent No.3.

CORAM : M.S.SONAK, J.

DATE : 11th January, 2018.

P.C. :

1 As the valuation in this appeal is less than Rs.One Crore, therefore, this appeal will not be maintainable in this Court.

2 Learned Counsel for the appellant submits that the appellant will institute an appeal before the District Court within a period of one week from today. An appeal, if instituted before the District Court within one week from today, then, the same may not be rejected on the ground of limitation.

3 Learned Counsel for the respondents agree not to raise issue of limitation in case appeal is indeed instituted within one week from today.

4 The ad interim relief, granted by this Court, to operate for a period of one week from today. The appellant will be at liberty to apply for fresh interim relief before the District Court.

5 Since, learned Counsel for Respondent No.1 submits that ad interim relief was obtained by the appellant from this Court by suppressing certain material facts, the appeal court to examine this issue as well while considering appellant's motion for grant of ad interim relief. This Court expresses no opinion either way and all contentions of all the parties are left open for determination by the District Court.

5 Present Appeal from Order is, therefore, disposed of.
Pending Civil Application does not survive and stand disposed of.

 All concerned to act upon authenticated copy of this order.

M.S.SONAK
JUDGE

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