

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 WRIT PETITION NO. 11523 OF 2017

KAMLABAI PADAMNATH MORE DIED LRS VIMAL ASHOK
NAVSAGREAND OTHERS

VERSUS

SHRI SITALAMATA MANDIR AURANGABAD THROUGH ITS
ONE OF THE TRUSTEE S A GUDI WAL AND

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Advocate for Petitioners : Mr. V. B. Patil

Advocate for Respondent no.1 : Mr. A. D. Kasliwal

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CORAM : V. K. JADHAV, J.

DATED : 13th APRIL, 2018

PER COURT:-

1. This writ petition can be disposed of by giving direction to the first appellate court. Both the learned counsel appearing for the parties agree that the first appellate court has not given an opportunity of hearing to the present petitioner before passing order below Exh.116 in Regular Civil Appeal No. 01 of 2016.

2. In view of the same, the impugned order is hereby quashed and set aside with a direction to the first appellate court to decide application Exh.116 afresh after giving an opportunity of hearing to both sides. Writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

vsm/