

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 APEAL FROM ORDER NO. 3 OF 2018
WITH CA/383/2018 IN AO/3/2018

NAVNATH RANGNATH DHAKNE
VERSUS
RAOSAHEB GANGA KOKARE AND OTHERS

...
Advocate for Appellant : Mr.R.M.Sharma and
Mr.Bipinchandra K. Patil
Advocate for Respondents : Mr.H.D.Deshmukh
...

CORAM : M.S.SONAK, J.
DATE : 23.1.2018

ORAL ORDER:-

1) Learned counsel for the parties submitted that by consent the impugned order for remand can be set aside and the Appeal Court can be directed to dispose of the appeal in accordance with law and on its own merits.

2) In the facts and circumstances of the present case, it seems that the request is quite reasonable. Therefore, the impugned order is set aside and Regular Civil Appeal No.194 of 2014 is restored to the file of the Appeal Court, which shall dispose of the same on its own merits and in accordance with law.

3) It is made clear that this Court has not examined merits of this order and all contentions of all the parties are kept open for determination in the Appeal Court again on its own merits and in accordance with law.

4) The parties to appear before the Appeal Court on 5.2.2018 and produce authenticated copy of this order.

5) In view of the disposal of this Appeal from Order, the Civil Applications, if any do not survive and the same are also disposed of.

6) Needless to add that since the impugned order of remand is set aside, any subsequent order or action either by the executing Court or any other authority, also do not survive and the same are disposed of.

[M.S.SONAK, J.]