

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 483 OF 2016  
WITH  
CIVIL APPLICATION NO. 989 OF 2016  
IN  
SECOND APPEAL NO. 483 OF 2016  
WITH  
CIVIL APPLICATION NO. 510 OF 2017  
IN  
SECOND APPEAL NO. 483 OF 2016  
  
AND  
SECOND APPEAL NO. 165 OF 2017

|                             |    |            |
|-----------------------------|----|------------|
| Shankar Krushna Atole       | .. | Appellant  |
| vs.                         |    |            |
| Smt. Parubai Sambhu Langute | .. | Respondent |

Mr. D. S. Patil for Appellant.  
Mr. G. N. Salunke for Respondent.

**CORAM : M. S. SONAK, J.**  
**DATE: 20 FEBRUARY 2018**

**P.C :**

1] These matters were argued for some time and this Court, was inclined to admit these appeals and frame substantial question of law on the lines reflected in ground (i) of the memo of appeals, but the learned counsel for the parties request that the impugned judgment and order dated 25<sup>th</sup> February 2016 be set aside and the matter be remanded to the appeal court for disposal of the appeal on its own merits and in accordance with law. In disposing of the appeal, the appeal court, to take into consideration the effect of the

order dated 3<sup>rd</sup> December 2015 by which, the appeal court, had permitted the appellant to produce on record additional evidence by resort to the provisions of Order XLI Rule 27 of the CPC. However, it is clarified that all contentions of all parties are left expressly open.

2] Accordingly, the impugned judgment and order dated 25<sup>th</sup> February 2016 made by the appeal court is set aside. The matter is remanded to the appeal court for disposal of Regular Civil Appeal No. 80 of 2008 afresh in accordance with law and on its own merits.

3] The parties to appear before the appeal court on 12<sup>th</sup> March 2018 at 11.00 a.m. and produce authenticated copy of this order.

4] The appeal court is directed to dispose of the appeal as expeditiously as possible and in any case within a period of one year from the date of production of authenticated copy of this order.

5] Since the appeals are disposed of, civil applications therein do not survive here, and therefore, they are disposed of.

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