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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL No. 303 OF 1990

Bhau Mahadeo Mali
(since deceased, through LR) ... Appellant
Vs.
Bapu Mahadeo Mali
(since deceased, through LR) & Ors. ... Respondents

Mr. M. L. Patil, for the Appellant.
Mr. Vishwajit S. Kapse a/w P. G. Kathane, for Respondent No. 1.
Mr. Rupesh R. Lanjekar, for Respondent No. 3.

CORAM : A. M. DHAVALA, J.

Reserved for judgment on : AUGUST 30, 2018
Judgment pronounced on : OCTOBER 12, 2018

PC :

. For the reasons separately recorded in the judgment,
following order is passed.

ORDER

- (i) The Second appeal is allowed.
- (ii) The impugned judgment and decree of the first

appellate court is hereby set aside and the judgment and decree of the trial court is restored.

- (iii) The Respondents shall bear costs of this appeal of the appellants.

Vinayak Halemath

Sd/-
[A. M. DHAVAL, J.]