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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 825 OF 2018
WITH
CIVIL APPLICATION NO. 1591 OF 2018
IN
FIRST APPEAL NO. 825 OF 2018**

Smt. Kamladevi w/o. Manekchand
Bacha & Ors. .. Appellants/Applicants
Vs.
Mr. Hiralal Sankata Thakur (deceased)
Through Legal Heirs 1A. Mulemadevi
Hiralal Thakur & Ors. .. Respondents

**WITH
FIRST APPEAL NO. 563 OF 2018
WITH
CIVIL APPLICATION NO. 1641 OF 2018
IN
FIRST APPEAL NO. 563 OF 2018**

Shri Purenchand Ramgopal Mawawala .. Appellant/Applicant
Vs.
Mr. Hiralal Sankata Thakur (deceased)
Through Legal Heirs 1A. Mulemadevi
Hiralal Thakur & Ors. .. Respondents

Mr. Suneel D. Mogre for the Appellants/Applicants in FA 825/18 & CAF 1591/18.
Mr. Pradip R. Kadam for the Appellant/Applicant in FA 563/18 & CAF 1641/18.
Mr. Sachin Joshi for Respondent Nos.1A, 1D & 1F in FA 825/18 & Respondent No.2 in FA 563/18.

**CORAM : K. K. SONAWANE, J.
DATE : 26th JULY, 2018.**

P. C. :

1. Heard learned Counsel for the appellants/applicants and learned

Counsel for respondent Nos.1A, 1D & 1F.

2. The learned Counsel for the appellants-applicants submits that at the initial stage of the proceeding rest of the respondents were impleaded as plaintiffs in S. C. Suit No. 7381 of 2005. However, pending the proceeding, they were transposed as defendants into the matter. According to learned Counsel, they all are formal parties in the proceeding. The learned Counsel for the appellant submits that the matter is pertaining to immovable property. The learned Trial Court after appreciation of evidence on record decreed the suit and bade the defendant to deliver the vacant and peaceful possession of the suit property in favour of plaintiff. Being dissatisfied with the impugned decree passed by the learned Trial Court, the appellant preferred the present appeal.

3. Learned Counsel for respondent Nos.1A, 1D and 1F contends that the Trial Court has correctly appreciated the facts and circumstances on record and passed the impugned Judgment which is within the purview of law. Therefore, no interference is required in the decree.

4. Having given anxious consideration to the arguments advanced on behalf of both sides, it reveals that the dispute is pertaining to the immovable property. It requires detail hearing on legal issues which are debatable in nature. Therefore, both the appeals "Admit". Issue notice of final hearing of the appeal on merits to the respondents.

5. The learned Counsel Mr. Sachin Joshi waives notice for respondent

Nos.1A, 1D and 1F. Notice to other respondents be made returnable on 23.08.2018. Call R & P of S. C. Suit No. 7381 of 2005 from the concerned Trial Court.

6. The Learned Counsel for appellants undertakes to file private paper book on record within eight weeks. The formalities of print, paper book etc. stands dispensed with.

7. Meanwhile, pending final adjudication of appeal on merit, the interim relief of stay shall remain in operation.

Arjun
Machhindra
Kadam

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by Arjun
Machhindra
Kadam
Date: 2018.08.02
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[K. K. SONAWANE, J.]