

JPP

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

*CIVIL APPLICATION NO. 1885 OF 2016
with
SECOND APPEAL (St.) NO. 10760 OF 2016*

Shri Dnyaneshwar Maharaj Sansthan. ... Applicant/Appellant.

V/s.

Mr. Kashinath Pandurang Kulkarni & Anr. ... Respondents.

Mr. M.S. Bhandari i/b. Pranjali Bhandari for the
Applicant/Appellant.

Mr. Nikhil Vidwans for Respondents 1 and 2.

CORAM : N.M. Jamdar, J.

DATE : 11 January, 2018.

P.C. :-

Heard the learned Counsel for the parties. Reply affidavit is filed. It appears that the Applicant had earlier filed a Civil Revision Application No. 771 of 2014 challenging the impugned order, which was disposed of on 27 July 2015, wherein it was held that a Civil Revision Application is not maintainable and the Second Appeal will be an appropriate remedy. Thereafter, the present Second Appeal is filed.

2. Considering the facts and circumstances, I am of the opinion that the matter requires to be considered on merits. Considering the nature of the impugned order, the contentions of the Respondents that in this Court the Applicant has approached with delay can be urged by the Respondents at the time of hearing of the Second Appeal. Accordingly, the Civil Application is allowed in terms of prayer Clause (a).

3. Place the Appeal on board as per its CMIS date after all office objections are removed.

(N.M. Jamdar, J.)