

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

**CIVIL APPLICATION NO. 1436 OF 2017
IN
FIRST APPEAL NO. 1382 OF 2003**

Krishnabai G. Thakur (Since Deceased)
1a. Ramsaran Gangasaran Singh (Thakur) ... Applicant

In the matter between

John Anthony Carlos ... Appellant
Versus

Krishnabai G. Thakur (Since Deceased)
1a. Ramsaran Gangasaran Singh (Thakur)
and another ... Respondents

.....

Ms. Komal Kandharkar for Applicant.
Mr. Ashok Kumar Singh for Respondent No.1-original Appellant.
Mr. V. K. Khatu for Respondent No.2.

.....

CORAM : K. K. SONAWANE, J.

DATE : 8th AUGUST, 2018.

P. C.:

1. Heard learned Counsel for the Applicant and learned Counsel for the respondents. Perused the application and the impugned order passed by the learned trial Court in L. C. Suit No.5607 of 1992. Admittedly, the present appeal is pending since 2003, awaiting final hearing on merit. The matter pertains to the

immovable property. Learned Trial Court decreed the suit and directed the Court Receiver to deliver the vacant possession of the suit property in favour of the plaintiff-respondent No.1 herein.

2. The present first appeal has already been admitted and kept reserve for final hearing on merit.

3. Considering nature of the subject matter and the gravity of the relief granted by the learned Trial Judge, I find it just and proper to allow the hearing of the present appeal on merit at the earliest. Therefore, there is no impediment to allow the application. Accordingly, list the present first appeal for final hearing on merit on 17th September, 2018.

4. The civil application stands disposed of in above terms.

(K. K. SONAWANE, J.)