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

*SECOND APPEAL NO. 388 OF 2014
with
CIVIL APPLICATION NO. 911 OF 2014
with
CIVIL APPLICATION NO. 912 OF 2014*

Mr. Rajesh Dharamvir Gulati,
Proprietor of M/s. Satyam Developers. ...Appellants/Applicants.
V/s.
Mr. Yashwant Kashinath Koli & Ors. ... Respondents.

*with
SECOND APPEAL (St.) NO. 12914 OF 2016
with
CIVIL APPLICATION (St.) NO. 12917 OF 2016
with
CIVIL APPLICATION (St.) NO. 12919 OF 2016
with
CIVIL APPLICATION (St.) NO. 12921 OF 2016*

Mr. Naresh Dhondu Koli and Anr. ...Appellants/Applicants.
V/s.
Mr. Yashwant Kashinath Koli & Ors. ... Respondents.

Ms. Bhagyashree Vishal i/b. Jeetendra Sachdev for the
Appellants/Applicants in SA 388/14.
Mr. Suresh Sabrad for the Appellants/Applicants in SAST 12914/16.
Mr. A.M. Kulkarni for Respondent No.4 – CIDCO.

CORAM : N.M. Jamdar, J.

DATE : 30 January, 2018.

P.C. :-

On 14 June 2016 following order was passed :-

“ Heard learned counsel for the parties. Learned counsel agree that, if the Misc. Application No.77 of 2014 filed by the CIDCO, which is pending in the District Court, Raigad, at Alibag, is disposed of, it will have material bearing on the appeals. The application filed by the CIDCO for setting aside the judgment and decree passed by the learned District Judge, is pending since 10 June 2014. Considering the fact that this application will decide the rights of various parties who have approached this Court, the learned District Judge will make an endeavour to dispose of the miscellaneous application on its own merits within a period of three months from the date the order of this Court reaching it. This direction is on the assurance from the learned counsel for the parties that the parties will co-operate for early disposal of the Miscellaneous Application. It is informed that the Appellants in the Second Appeal (St.) No.12914 of 2016 in the application filed by the CIDCO.

2. Stand over to the next CMIS date i.e. 31 January 2017.

3. Liberty to apply once the decision in the miscellaneous application filed by the CIDCO is rendered. The statement made by the original Plaintiff, which is recorded, to continue.”

2. The learned Counsel for the CIDCO places on record order passed by the learned District Judge dated 23 December 2016. It is submitted that the judgment and decree which is under challenge in the Second Appeals have been set aside and the First Appeal has been restored. The learned Counsel for the parties agree that in view of this subsequent order, nothing survives in this Second Appeals. The Second Appeals are accordingly disposed of. All contentions of the parties are kept open to be urged in the First Appeal which is restored.

(N.M. Jamdar, J.)