

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

WRIT PETITION No.6452 OF 2018

Abasaheb Nagappa Deshmukh @ Shendge ...Petitioner

Versus

Smt. Keshar Govind Madane ...Respondent

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Mr.Ashok B. Tajane for the Petitioner.

Mr.B.A.Lawate for the Respondent.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JUNE 19, 2018**

P.C. :

1. The learned Counsel for the petitioner submits that the petitioner does not want to press any relief against the order dated 2nd April, 2018 passed by the learned District Judge-5, Solapur below exhibit 28 in Regular Civil Appeal No. 136 of 2013. The issues raised in the Appeal or grounds taken in the Appeal are to be decided afresh and the challenge given to exhibit 34 on the ground of fraud is to be considered afresh by the First Appellate Court.

2. The suit is decreed, against which the petitioner has filed Appeal. The petitioner is not challenging the order of the First Appellate Court, which is the subject of this Petition. The prayer made by the learned Counsel for the petitioner that, the Appeal be decided on merit and the issue raised that document at 'Exhibit 34' is fraudulently obtained has to be considered afresh, is reasonable and the same can be considered by the First Appellate Court. Therefore, no interference is required in the order dated 2nd April, 2018 passed by the First Appellate Court.

3. With this, Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)