

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

SECOND APPEAL NO. 510 OF 1997

Dnyanoba Pandurang Gavali,
Since deceased through heirs
Shankar Dnyanoba Gavali & Ors. ... Appellants

Vs.

Vithal Pandurang Shedge,
Since deceased through heirs
Hanumant Vithal Shedge & Ors. ... Respondents

Mr. V. S. Talkute, for the Appellants.

Mr. Dilip Bodake, for the Respondent Nos. 1-B to 1-C & 1-H.

CORAM : A. M. DHAVALA, J.

DATE : 19th OCTOBER, 2018.

PC:-

For the reasons separately recorded in the judgment,
following order is passed:

- (i) The appeal is allowed.
- (ii) The judgment and decree passed by both the courts are set aside.
- (iii) Regular Civil Suit No. 249 of 1982 shall stand dismissed.
- (iv) Both the parties shall bear their own costs throughout.
- (v) On the request of learned advocate for the Respondent, Mr. Bodake, learned advocate Mr. Talkute appearing for the Appellant makes a statement that Appellant will not create third party interest for a period of two months from today. Statement is accepted.

Sd/-

[A. M. DHAVALA, J.]