

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

CIVIL REVISION APPLICATION NO.495 OF 2016

Venubai P. Bhor

.. Applicant

Vs.

Ganesh R. Auti

.. Respondent

Mr.Atul Damle, Senior Advocate i/by Ms.Gauri Jadhav for the applicant.
Mr.Uday Nighot for the respondent.

CORAM : R.D. DHANUKA, J.

DATE : 23rd August 2018

P.C.:

. By consent of both the parties, the following order is passed :-

(i) The order dated 22nd April 2016 passed by the learned Ad-hoc District Judge-1, Khed in Appeal No.6 of 2015 and the order dated 14th November 2011 passed by the learned Civil Judge, Junior Division, Ghodegaon in Civil Misc. Application No.9 of 2014 are set aside.

(ii) Civil Misc. Application No.9 of 2014 to be heard by the learned Civil Judge, Junior Division, Junnar by consent of both the parties.

(iii) The learned Civil Judge, Junior Division, Ghodegaon is directed to transmit the papers and proceeding of the Civil Misc. Application No.9 of 2014 to the learned Civil Judge, Junior Division, Junnar within two weeks from the date of communication of this order.

(iv) The petitioner is directed to implead the respondent as party-defendant to the said proceedings within two weeks from the date of transmission of papers by the learned Civil Judge, Junior Division, Ghodegaon to the learned Civil Judge, Junior Division, Junnar. Amended copy of the proceedings shall be served upon the respondent within one

week from the date of carrying out amendment.

(v) The respondent would be at liberty to file a reply to the said proceedings within six weeks from the date of service of the amended copy of the proceedings and serve a copy thereof upon the petitioner's advocate simultaneously.

(vi) Learned Civil Judge, Junior Division, Junnar shall decide the matter afresh without being influenced by the observations made and the conclusions drawn in the impugned orders which are subject matter of this writ petition expeditiously.

(vii) Civil revision application is disposed of in aforesaid terms. No order as to costs.

(viii) Parties as well as the authorities to act on the authenticated copy of this order.

R.D. DHANUKA, J.