

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 SECOND APPEAL NO.451 OF 2016

SAU. INDIRA CHHABILDAS JADHAV
VERSUS
SHRI VASARAM DHUMA VANJARI

...

Advocate for Appellant : Mr. Patil Vijay B.
Advocate for Respondent : Mr. Rane Girish S.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19th AUGUST, 2019.

ORDER :

. Appeal is partly allowed with no order as to costs. Reasons to follow.

2. The judgment and decree passed in Civil Appeal No.05 of 2009 by learned District Judge-1, Amalner, Dist. Jalgaon dated 26.10.2015 is hereby set aside and the matter is remanded to the First Appellate Court only on the point to decide application Exhibit-5 under Order 26 Rule 9 of C.P.C. and if the learned First Appellate Court allows that application, then to adopt the procedure under Order 41 Rule 28 of C.P.C. and decide the matter afresh as per the provisions of law. It is clarified that all the other points involved in the matter are kept open as it is for both the parties.

3. Both the parties are directed to appear before the learned First Appellate Court on 16.09.2019.
4. Record and proceedings be sent back to the concerned Court immediately.

(Smt. Vibha Kankanwadi, J.)

Shubham/