

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

990 APPEAL FROM ORDER NO.37 OF 2019
WITH CA/8172/2019 IN AO/37/2019

SURESH PREMRAJ MUTHA
VERSUS
DR. LAXMAN RAMRAO NAGARGOJE, REGISTRAR, DR.
BABASAHEBAMBEDKAR MARATHWADA UNIVERSITY AND OTHERS

.....
Advocate for Petitioner : Mr. Bajaj Anil S.
Advocate for Respondents : Mr. A.D. Kasliwal
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CORAM : V. K. JADHAV, J.
DATED : 13th DECEMBER, 2019

PER COURT:-

1. With the able assistance of both the counsel appearing for the respective parties, I have gone through the operative part of impugned judgment and order passed by the District Judge-2, Aurangabad on 20.4.2019 in Regular Civil Appeal No. 243 of 2012.
2. The learned District Judge, as it appears from the operative part of the order, has given certain vague directions. Those can be reproduced herein below in summary manner:-
 - i. The learned Trial court is directed to consider the aspects and issue which required fresh consideration.
 - ii. To frame the appropriate issue, allow the parties to amend or tender additional pleadings,

- iii. Lead the evidence and to decide the suit de-novo.
- iv. The parties are directed to take note of observations and they are allowed to lead additional evidence by filing necessary documents.

3. Even with the able assistance of counsel before me, I do not understand the said directions. In view of the same, this court is left with no other option but to remand the matter to the learned District Judge, Aurangabad with further directions to decide the Regular Civil Appeal No. 243 of 2012 afresh by giving opportunity of being heard to both the parties. Hence, I proceed to pass the following order:-

O R D E R

- I. Appeal from order is hereby partly allowed.
- II. The impugned judgment and order dated 20.04.2019 passed by District Judge-2, Aurangabad in Regular Civil Appeal No. 243 of 2012 is hereby quashed and set aside and the matter is remanded back to the District Judge, Aurangabad with following directions:-
 - a). The Regular Civil Appeal No. 243 of 2012 be restored to its

original number.

- b). The learned District Judge shall decide the appeal afresh after giving an opportunity of being heard to both sides, within six months from today.
 - c). The parties shall appear before the learned District Judge, Aurangabad on 06.01.2020.
4. In view of disposal of the appeal from order, nothing survives of further consideration in civil application No. 8172 of 2019 and the same stands disposed of accordingly.

(V. K. JADHAV, J.)

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