

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

**FIRST APPEAL (ST.) NO.20667 OF 2018
ALONG WITH
CIVIL APPLICATION NO.1330 OF 2019
IN
FIRST APPEAL (ST.) NO.20667 OF 2018**

Mahadev Sakharam Gaikwad & Ors. .. Appellants/Applicants
Vs.
Nandkumar Sakharam Gaikwad .. Respondent

Mr.Omkar G. Nagwekar for the appellants/applicants.
Mr.Abhijit M. Adagule for the respondent.

**CORAM : R.D.DHANUKA, J.
DATE : 27th November 2019**

P.C.:

. First appeal is not on board, taken on board by consent of parties.

2. Learned counsel for the appellants and the respondent (original plaintiff) pray that the judgment and decree dated 19th January 2016 passed by the learned Civil Judge, Senior Division, Ichalkaranji in MCA No.15 of 2015 be set aside and the said MCA No.15 of 2015 be restored to file.

3. The judgment and decree dated 19th January 2016 passed by the learned Civil Judge, Senior Division, Ichalkaranji in MCA No.15 of 2015 is set aside and the said MCA No.15 of 2015 is restored to file.

4. Parties are directed to appear before the learned Civil Judge, Senior Division, Ichalkaranji on 10th December 2019 at 11.00 a.m. The further directions can be issued by the learned Civil Judge, Senior Division, Ichalkaranji on the next date. The learned Civil Judge, Senior Division, Ichalkaranji shall decide the matter afresh on its own merit without being influenced by the observations made and the conclusions drawn in the said judgment and decree dated 19th January 2016 after giving an opportunity to the appellants to represent their case. First appeal is disposed of on aforesaid terms. In view of disposal of the first appeal, civil application does not survive and is disposed of. No order as to costs. The parties as well as the learned Civil Judge, Senior Division, Ichalkaranji to act on the authenticated copy of this order.

R.D.DHANUKA, J.