

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION ST.NO. 1773 OF 2019

Shri. Bhagwan Sahebrao Algude & Ors. ...Petitioners

vs.

Saraswati Mukundrao Algude and Ors. ...Respondents

Mr.V.S.Talkute for the for the Petitioners.

Mr. D.D. Ranaware for the Respondent Nos.1 to4, 5A to 5B, 5D to 5G & 6.

CORAM : M. S. SONAK, J.

DATE : 24th April 2019.

P.C.:

- 1] Heard the Learned Counsel for the parties.
- 2] After the matter was argued for some time, Learned Counsel for the parties state that, this petition can be disposed of with the following agreed order.
 - a] The impugned order dated 05-01-2009 is not interfered with. However, the appeal court is directed to dispose of Regular Civil Appeal No.152 of 2017 on its own merits and in accordance with law without being influenced in any manner by any observations in the impugned order, as expeditiously as possible and in any case, by 31st December 2019.

b] The respondent Nos.1 to 4, 5A to 5B, 5D to 5G & 6 who are appellants before the appeal court, to complete the service on respondents within two months from today. In this regard, the said respondent/Appellants before the Appeal Court to take all necessary steps, including deletion of parties if they are not necessary parties. If the service is not completed within 2 months from today the appeal court to consider whether the appeal is required to be dismissed as against the unserved respondents or in its entirety.

3] All contentions of all parties on merits are kept open to be decided by the Appeal Court.

4) All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)