

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

**SECOND APPEAL NO. 395 OF 2018
WITH
CIVIL APPLICATION NO. 902 OF 2018**

Raju Mohandas Athwani and others ... Appellants
Versus
Ameenaben Shaikh Hafizulla Delhiwala
deceased through L.Rs. and others ... Respondents

....

Mr. V. A. Sugdare for the Appellants.
Mr. Sandeep M. Phatak for Respondent Nos. 2 to 5, 8, 16, 17(a),
17(b), 18 to 20.

....

CORAM : SANDEEP K. SHINDE, J.

DATE : 21st FEBRUARY, 2019.

P. C.:

1. Not on board. Taken on board.
2. This matter was heard by me at length.
3. Parties to the appeal have consented for remanding the matter to the Appellate Court and hence, signed the minutes of order dated 21st February, 2019. It is taken on record and marked "X" for identification. The minutes are signed by the parties and their Advocates.
4. That, in view of the paragraph No.3 of the minutes of order the impugned decree dated 27th June, 2018 passed by the learned District

Judge-6, Pune in Civil Appeal No.563 of 2013 is hereby quashed and set aside. Paragraph 3 of the minutes of order is reproduced as follows :

“3. Accordingly, the impugned Judgment and Decree dated 27th June 2018 passed by Ld. District Judge-6, Pune in Civil Appeal No.563 of 2013 (i.e. High Court First Appeal No. 1946 of 2008) is hereby quashed and set aside. The matter is remanded for fresh hearing before the District Court and shall be decided expeditiously on its own merits. All contentions of the parties are kept open. All the interim Orders operating in the said Civil Appeal No.563 of 2013 (i.e. High Court First Appeal No. 1946 of 2008) stand revived.”

5. The learned District Judge shall decide Civil Appeal No. 563 of 2013 as expeditiously as possible preferably within a period of one year from today.

6. The Second Appeal is accordingly disposed of. Pending civil application is also disposed of.

(SANDEEP K. SHINDE, J.)