

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1 OF 2019
ALONG WITH
CIVIL APPLICATION NO.1 OF 2019

Papal Seminary,
A Public Trust, Pune

.... Appellant-Applicant

V/s.

Laxman Babaji Deokar (Since Deceased),
Through LRs.:-
Chandrakant Laxman @ Babanrao Deokar
(Since Deceased), through LRs.:-
Yamunabai C. Deokar and Ors.

.... Respondents

Mr. J. Reis, Senior Counsel, with Mr. Sean Wassoodev, for the Appellant-Applicant.

Mr. T.D. Deshmukh, with mr. Sagar Kursija, for Respondent Nos.1a(i) to 1a(v).

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 9TH JANUARY, 2019.

P.C. :

1. Heard learned counsel for both the parties.
2. With the consent of learned counsel for both the parties, the Appeal stands disposed off as dismissed, with the following modifications and directions :-

- (i) Issue No.2, as framed by the Appellate Court, which reads as, "*Do Defendants prove that, Survey No.18/2 was self-acquired property of Ganpati Deokar?*", stands deleted.

- (ii) Whereas, Issue No.7 is modified as, *“Whether Plaintiffs prove that the 'Sale Deed' dated 3rd June 1955 is not binding on their share ?”*
- (iii) The Appellant, i.e. Original Defendant No.1, is permitted to produce the ordinary copy of the 'Written Statement' filed in Special Civil Suit No.35 of 1967, if available, and learned counsel for the Respondents - Original Plaintiffs will produce the ordinary copy of the 'Plaint'. The Trial Court will exhibit both these documents, in view of the consent given by learned counsel for both the parties.
- (iv) In view of the consent of learned counsel for both the parties, the ordinary copy of the 'Judgment' of the Trial Court dated 20th July 1975 passed in Special Civil Suit No.35 of 1967, also be exhibited and admitted in evidence by the Trial Court.
- (v) The Trial Court to decide the Suit as expeditiously as possible and preferably within three months from today.
- (vi) Both the parties are directed to appear before the Trial Court on 21st January 2019.

3. Appeal stands disposed off in the aforesaid terms.

4. In view of the above, Civil Application No.1 of 2009 pending in the Appeal does not survive and the same stands disposed off as infructuous.

[DR. SHALINI PHANSALKAR-JOSHI, J.]