

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.908 OF 2019

Maruti Gabaji Thopate .. Appellant
vs
Kailash Gabaji Thopate & Ors .. Respondents

with

INTERIM APPLICATION NO.1 OF 2019
along with APPEAL FROM ORDER (St) NO.26529 of 2019

Kailash Gabaji Thopate .. Applicant
vs
Maruti Gabaji Thopate .. Respondent

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Mr.PS.Dani Sr.Advocate with Mer.J.G.Reddy i/bMr.Arvind
Aswani for Appellant in AO (St) NO.26529/2019 and for
Respondent nos.1 to 5 in AO/908/2019

Mr.Madhav J.Jamdar I.b Mr.Rohan Surve for Respondent
in AO St.26529/2019 and for Appellant in AO/908/2019

CORAM : S.C. GUPTA, J

DATE : 1st OCTOBER 2019

P. C.

1. It is agreed between all parties in these two appeals, that the impugned orders passed by the trial Court on Exhibit 5 and 18 in Special Civil Suit No.474 of 2019 are vitiated by glaring errors.

2. Having regard to the tenor of the impugned orders, all parties request that the matter should be remanded but, on remand, it may

be heard by another Court, since the learned Judge, who has passed the impugned order, appears to have already made up his mind and made it up wrongly.

3. Impugned order dated 29.8.2019 is, accordingly, quashed and set aside and Applications being Exhibit 5 and 18 are remanded to the Court of Civil Judge, Senior Division, Pune. Appeals from order are disposed of accordingly.

4. The matter may be assigned to another Joint Civil Judge, Senior Division, Pune for a fresh hearing in accordance with law.

5. Interim Application is disposed of.

(S.C. GUPTE, J)

