

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

SECOND APPEAL NO.817 OF 2015

Dattatraya Balasaheb Shingana	..	Appellant
Vs.		
Babasaheb Jainuddin Khatib & Ors.	..	Respondents

Mr.T.S. Ingale for the appellant.

Mr.A.L. Bhise for the respondent nos.1, 3, 4 & 6 to 9.

CORAM : R.D.DHANUKA, J.

DATE : 16th September 2019

P.C.:

. Learned counsel for the parties jointly state that no reasons are required to be rendered by this Court while disposing of the second appeal on the ground that the second appeal may be disposed of with certain clarification. Statement is accepted.

2. The first appellate Court in Regular Civil Appeal No.31 of 2016 shall decide the said Regular Civil Appeal without being influenced by the observations made and the conclusions drawn in the judgment and decreed dated 9th September 2015 passed by the learned District Judge-5, Sangli in Regular Civil Appeal No.47 of 2009 in respect of the issue on title in respect of the suit property and shall decide the said appeal on its own merit including the issue of title independently.

3. Since the trial Court had framed issue of title in respect of the suit property, both the parties are at liberty to agitate this issue before the first appellate Court in the Regular Civil Appeal No.31 of 2016.

4. The appellant would be at liberty to apply for modification of the order dated 3rd July 2018 passed by the learned District Judge-5, Sangli below Exhibit-33 in Regular Civil Appeal No.31 of 2016 based on the order passed by this Court in the second appeal.

5. Second appeal is disposed of on aforesaid terms. In view of disposal of the second appeal, all pending civil applications, if any, are also disposed of. No order as to costs.

R.D.DHANUKA, J.