

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5377 OF 2019**

Vilas Balu Khandage & Ors.	...Petitioners
Versus	
Sudam Balaji Khandage & Ors.	...Respondents

Mr. Pavan S. Patil for the Petitioners

Mr. Inayat Ali Qureshi i/b Mr. Vidyesh Dhamdhare for the Respondent No.1

Mr. A. P. Vanarase, A.G.P for the Respondent No.2-State

Mr. B. G. Ligade i/b Mr. Drupad S. Patil for the Respondent Nos. 24 and 25

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 27th FEBRUARY 2020

P.C. :

1 Heard learned counsel for the petitioners.

2 The petitioners have impugned the order dated 4th August 2018 passed by the learned District Judge-1, Khed-Rajgurunagar, Pune in Misc. Civil Appeal No. 51/2016, by which the Appellate Court set-aside the order passed by the trial Court below Exhibit 24 and remitted the matter back to the trial Court for reconsideration of the application (Exhibit 5) along with Application at Exhibit 83.

3 Learned counsel for the petitioners is essentially aggrieved by the observations made by the Appellate Court in the said order dated 4th August 2018 whilst remitting the matter back to the trial Court. He submits that the observations made by the Appellate Court will come in the way in deciding the Exhibit 5 application preferred by the petitioners.

4 Considering the main grievance of the learned counsel for the petitioners i.e. the trial Court will be influenced by the observations made by the Appellate Court in its order dated 4th August 2018, it would be appropriate to direct the trial Court to decide the Exhibit 5 application along with application at Exhibit 83, on their own merits, in accordance with law, uninfluenced by the observations made by the Appellate Court in its order dated 4th August 2018. All contentions of all parties are kept open.

5 Petition is disposed of on the aforesaid terms.

6 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.