

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 87 OF 2021

Satyawan Sukdeo Nhavi and Others ..APPELLANTS

VERSUS

Eknath Sukdeo Nhavi
(Deceased) Through L.Rs.
Kesharbai Eknath Nhavi and Others ..RESPONDENTS

....
Mr. B.R. Waramaa, Advocate for appellants
....

CORAM : R.G. AVACHAT, J.
DATED : 17th MARCH, 2021

PER COURT :

1. Heard.

2. Learned counsel for the appellants submits that the appellate Court, in paragraph no. 38 of the judgment dated 17th June, 2020 has observed thus :-

“38) However, it appears that learned Trial Court has not properly appreciated the evidence led on record and ignored the aforesaid well settled provisions of sec. 16 of Hindu Marriage Act. Hence, I record my findings to point Nos. 1 and 2 in affirmative.”

He further submits that these findings have been in favour of the appellants but the same has not been reflected in the operative order/part of the judgment dated 17th June, 2020.

3. As such, there is no question of the appellants being aggrieved by the impugned judgment. The second appeal, therefore, not maintainable. The appellants may move the Principal District Judge, Jalgaon and seek review of the judgment and order dated 17th June, 2020, if permissible. Second appeal, thus stand disposed of. The time spent before this Court in this second appeal would be considered by the Principal District Judge, Jalgaon for condoning delay, if any, occurred in preferring the application for review.

(R.G. AVACHAT, J.)

SSD