

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 SECOND APPEAL NO.96 OF 2013
WITH CA/1156/2013 IN SA/96/2013

BHUJANGRAO BAPURAO SARVADE
VERSUS
UTTAM MUNJABA KORDE AND ORS

...
Mr. VM Mane, Adv. For Appellant;
Mr. M P Tripathi For R/1 And2-cvtr

...
CORAM : SMT. VIBHA KANKANWADI, J.
Dated: September 15, 2021

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PER COURT :-

1. Learned Advocate for the appellant submits that he had made a statement on the last occasion on the basis of the statement made by the briefing Advocate that the matter is settled out of the court. But when he had sent notice to his client, his client, i.e. appellant, has informed him that the matter was not settled out of the court but in the Execution petition, possession has been taken by the decree holder. Though learned Advocate for the appellant is eager to go ahead with the matter, question is when the decree has already been executed, now there is nothing remains in the Second Appeal and the remedy may be else where. Under such circumstance, the Second appeal stands disposed of. Pending Civil Application, if any, stands disposed of.

(SMT. VIBHA KANKANWADI, J.)

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