

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO. 132 OF 2020
IN
SECOND APPEAL NO. 360 OF 2009

(Shri Govind Suresh Bahekar **Vs.** Vasantrao Narayanrao Bahekar through LR's & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri N.S. Khandewale, Advocate for the appellant.
Shri S.S. Sohoni, Advocate h/f Shri S.V. Sohoni, Advocate
for respondent No.1.

CORAM : S.M. MODAK, J.

DATE : 20th SEPTEMBER, 2021.

This is an application for early hearing filed by the appellant. Though the application is filed in Second Appeal No.360 of 2009, he is also the appellant in Second Appeal No.359 of 2009. The appellant – Govind S/o Suresh Bahekar was defendant No.1 in Regular Civil Suit No.718 of 1999. This was a suit for partition and possession. Whereas, the present appellant – Govind was the plaintiff in Regular Civil Suit No.732 of 1999. It was a suit for eviction and possession. Whereas, the suit filed against the appellant – Govind bearing Regular Civil Suit No.718 of 1999 was partly decreed and the suit filed by Govind was dismissed.

2. When the present appellant – Govind filed two regular civil appeals, his Regular Civil Appeal No.210 of 2002 (preferred against the judgment in which he was plaintiff) was dismissed. Whereas Regular Civil Appeal No.211 of 2002 was

partly allowed (it was preferred against the judgment passed in Regular Civil Suit No.718 of 1999, in which he was defendant No.1). The partition decree passed by the trial Court was set aside, whereas rest of the prayers of appellant – Govind were rejected.

3. Second Appeal No.359/2009 is preferred by the appellant – Govind against the judgment passed in Regular Civil Appeal No.210 of 2002 (in which he was the plaintiff before the trial Court). Second Appeal No.360 of 2009 is preferred by the appellant – Govind against the judgment given by the First Appellate Court in Regular Civil Appeal No.211 of 2002, wherein his some of the reliefs were refused. The decree of partition was set aside. Whereas, the trial Court judgment that Will executed by Narayanrao in favour of the appellant – Govind was held not binding. Appellant – Govind was not successful in convincing the First Appellate Court for setting aside that declaration. In Second Appeal No. 360 of 2009, the appellant is challenging that part of judgment.

4. For the reasons stated in the application, the hearing of Second Appeal No.360 of 2009 is expedited. Second Appeal No.359 of 2009 is also a connected appeal. Hence, its hearing is also expedited. The application is allowed accordingly.

5. Both the second appeals are fixed for final hearing on 12th October, 2021.

JUDGE

C.L.Dhakate