

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

APEAL FROM ORDER NO.30 OF 2009
WITH CA/3571/2009 IN AO/30/2009

BHAGWAN SHIVBA DEOKAR
VERSUS
ASHOK SHIVBA DEOKAR AND ORS

...

Advocate for Petitioner : Mr. N.R. Thorat
Advocate for Respondent Nos. 1 to 4 : Mr. Bagal Vishal A.

CORAM : RAJESH S. PATIL, J.

DATE : 21th DECEMBER, 2022

PER COURT :

1. This Appeal from Order is filed challenging the remand order passed by the District Judge in Regular Civil Appeal No. 10/2007. The counsels for the parties agreed to dispose of the Appeal from Order. The counsels for the parties further inform that the matter should be remanded back to the newly established Civil Judge Junior Division, Mantha, District Jalna.

2. The order passed by the District Judge, in RCA No. 10/2007, dated 12.02.2009 shall be modified with following terms :-

- i. The judgment and decree passed by trial Court in Regular Civil Suit No. 37/2005, dated 06.12.2006 is set aside.

ii. The suit is remanded back to the trial Court for its fresh decision in view of the observations made in para Nos. 13 and 14 of order dated 12.02.2009 passed in RCA No. 10/2007.

iii. The Civil Judge Junior Division, will make an endeavour to disposed of the suit within a period of six months from receipt of this order.

iv. The temporary injunction granted on 11.07.2005 by Civil Judge Junior Division, in order below Exh. 5 in Regular Civil Suit No. 37/2005 should remain in force till disposal of the suit.

v. The parties should appear before the trial Court on 04.01.2023 at 11:00 a.m. in the morning.

vi. The record and proceedings be sent back to the trial Court.

3. Appeal form Order stands disposed off.

4. Pending Civil Applications, if any, shall also stand disposed off.

(RAJESH S. PATIL, J.)