

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 APEAL FROM ORDER NO.3 OF 2019

SONABAI TUKARAM GAWALI DECEASED THROUGH HER L.RS. ASARAM
TUKARAM GAWALI AND ANOTHER
VERSUS
GANGADHAR TATYA SHINDE AND OTHER

Mr.N.C. Garud, Advocate for the appellants.

Mr.G.P. Darandale h/f. Mr.D.R. Markad, Advocate for the respondents.

CORAM : VINAY JOSHI, J.

DATED : 11.01.2022

PC :-

01. Heard. This appeal arises out of order of remand dated 01.08.2018 passed in RCA No.61 of 2014 by which the First Appellate Court has set aside a decree passed in RCS No.144 of 2006 and remanded the trial back for fresh hearing to the Court of Civil Judge, Senior Division.

02. Being aggrieved by the said order, this appeal is filed by the original plaintiffs of RCS No.144 of 2006. It is informed by the learned Counsel for the appellants (plaintiffs) that after remand the Trial Court has proceeded with the suit and it was also came to be decided on merit i.e. the suit was dismissed. He would submit that the said order of dismissal is also

challenged by him in the First Appeal, which is pending in the Court of District Judge, Ahmednagar.

03. Having regard to the above facts, nothing survives in this appeal from order, as it has become virtually infructuous. In the circumstances, this appeal from order stands disposed of. All points raised in this appeal from order are kept open for arguments in the First Appeal.

04. The Appeal from Order stands disposed of.

[VINAY JOSHI,J.]