

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11888 OF 2016

Shri. Sampat Genu Kushare

..Petitioner

Versus

Smt. Manjulabai Popat Kushare and Ors.

..Respondents

Ms. Rukmini Khairnar i/by Pramod N. Joshi, for the Petitioner.

Mr. Girish R. Agrawal a/w Ms. N. P. Boraste, for the Respondent
Nos.1 to 4.

CORAM : NITIN W. SAMBRE, J.

DATE : 28th MARCH, 2022

PC.

1. Heard respective counsels.

2. For the reasons recorded in the order dated 3rd December, 2021, the order impugned dated 25th March, 2015 passed below Exh.73 i.e. an application under Section 47 of the CPC, is hereby quashed and set aside.

3. It is directed that said proceedings i.e. Exh.73 be decided afresh in the light of observations made in the aforesaid order dated 3rd December, 2021 viz. in the light of the law laid down in the matter of *Baban s/o Shamrao Menghare & Anr. Vs. Madhukar s/o Shamrao Menghare & Ors.* reported in *2007(1) Mh.L.J. 306.*

4. Let Exh.73 be decided within a period of ten weeks from today, as the petitioner assures that he shall not be seeking any adjournments in the said proceedings.

5. The petition stands allowed in above terms.

[NITIN W. SAMBRE, J.]