

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11940 OF 2022

Kondaji Tukaram Pawar (Since deceased
 through legal heirs) Vishwanath Kondaji Pawar
 and Ors. .. Petitioners

Versus

Ramchandra Dhaku Kusmade (Since deceased
 through legal heirs)- Baban Ramchandra
 Kusmade and Ors. .. Respondents

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- Mr. Shailendra S. Kanetkar for Petitioners
 - Mr. Ketan Joshi for Respondent No.1(a)

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CORAM : MILIND N. JADHAV, J.
DATE : DECEMBER 14, 2022.

P.C.:

1. Heard Mr. Kanetkar, learned Advocate for Petitioners and Mr. Joshi, learned Advocate for Respondent No.1(a).
2. Perused the order dated 25.10.2021 passed below Exhibit-243 and 244 and impugned order dated 17.12.2021 passed below Exhibit-245 in R.C.S. No. 2179 of 1976.
3. After hearing the parties for some time, by consent of both the Advocates and on instructions received from their respective clients aforesaid two orders stands set aside and the learned Trial Court is requested to hear Exhibit-243 and 244 afresh.
4. All contentions of the parties are kept open. Needless to state that the order dated 17.12.2021 stands set aside.

5. Learned Trial Court shall not be influenced by this order. Petitioners are permitted to file their replies to both applications under Exhibit-243 and 244 before the Trial Court within a period of four weeks from today.
6. Rejoinder if any, to be filed within a period of two weeks thereafter before the Trial Court.
7. Considering that R.C.S. No. 2179 of 1976 is an old suit, it is further directed that the learned Trial Court shall hear and decide the suit as expeditiously as possible and in any event within a period of 6 months from today.
8. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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