

Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 693 OF 2017
WITH
CIVIL APPLICATION NO. 928 OF 2017
IN
APPEAL FROM ORDER NO. 693 OF 2017

Bharat Dattu Mate

.. Appellant

Vs.

Smt. Padmini Vasantrao Walekar & Ors.

.. Respondents

.....

Mr. Nitesh Vishwanath Bhutekar for the appellant

Ms. Manisha Jagtap for respondent nos. 13 and 14

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 8th JULY, 2022.

P.C.

1. On 1st July, 2022, the following order was passed :-

“1. Appellant to take steps to serve respondent No.16.

2. Impugned order is dated 26th November, 2012 against which this appeal has been preferred by the original plaintiffs. Meanwhile several interim applications came to be filed for deleting certain respondents. Respondent No.16 has not yet been served. No fruitful purpose would be served by keeping appeal pending when main suit itself is awaiting trial before Civil Judge, Senior Division, Pune.

3. Mr. Nangare shall take instructions as to whether

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the appellant seeks to withdraw the appeal to go back to the trial Court for contesting the suit on merits.

4. List under the caption of "Directions" on 8th July, 2022."

2. The appeal can be disposed of with following directions:-
3. The parties shall appear before the learned Civil Judge, Senior Division, Pune on the next date. The learned trial Court is directed to frame the issues within four weeks from the receipt of this order. The matter shall thereafter be proceeded in accordance with law by giving opportunities to the respective sides. The suit shall be disposed of on merits in accordance with law, without granting unnecessary adjournments.
4. The appeal stands disposed of in the aforesaid terms. No orders as to cost.
5. In view of disposal of the appeal, pending civil application is also disposed of.

(PRITHVIRAJ K. CHAVAN, J.)