

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

908 APEAL FROM ORDER NO.20 OF 2019
WITH CA/3343/2019 IN AO/20/2019

UTTAM PANDU PHUKTE AND ANOTHER
VERSUS
SHALIGRAM PANDU PHUKTE AND ANOTHER

...
Advocate for Petitioners : Mr. Surve Hemant, Mr. Surve K. H.

...

CORAM : S. G. MEHARE, J.
DATE : 29.11.2023

PER COURT :-

1. Heard the learned counsel for the appellants.
2. The appellants were the plaintiffs. They had claimed the share in the suit property. They had filed a suit for declaration that the Will deed in question was not legal, proper and it was obtained by fraud. Their suit was dismissed. However, the First Appellate Court set aside the impugned judgment and decree of dismissal of the suit and remitted the matter back directing the trial court to give an opportunity to both sides to adduce the evidence to prove or disprove the original Will deed dated 30.01.2004.
3. Perused the impugned judgment and order of the First Appellate Court. The reasons assigned by the First Appellate

Court for remand appears to be legal and proper. No harm has been caused to the plaintiffs/appellants by the impugned judgment and order. No question of law appears to have been involved in the appeal and there are no grounds to interfere with the impugned judgment and decree of the First Appellate Court.

4. In view of the above, the Appeal from Order stands dismissed at the admission stage.

5. Civil Application stands disposed of accordingly.

6. If the parties would co-operate, the trial court may expedite the trial.

(S. G. MEHARE, J.)

...

vmk/-