

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

923 CIVIL APPLICATION NO.7014 OF 2023

IN

AOST/11614/2023 WITH CA/7015/2023 IN

AOST/11614/2023

SOPAN SAHEBRAO PATIL

VERSUS

SOPAN PANDHARINATH PATIL

...

Advocate for Applicant: Mr. Milind M. Patil

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CORAM: ARUN R. PEDNEKER, J.

DATE: 13th JUNE, 2023

PER COURT:

1. The reasons are stated at paragraph no.6 of the civil application for condonation of delay that the applicant was directed by the Advocate to secure paper book of the first appeal as well as certified copies of the documents to be relied upon. He was given certified copies 03.11.2022, however, he could not get paper book. In the meanwhile, the record was transferred to the trial court and, then, he could secure the relevant documents as to depositions, roznama etc. and, then, again approached the Advocate in High Court.

The process has taken time and the delay of 64 days has occurred.

2. For the reasons stated in the application for condonation of 64 days delay is allowed and disposed of.

3. In the main Appeal From Order, the learned counsel for the appellant submits that the appellate court has remanded the matter back to the trial court after setting aside the order of the trial court without following the principles applicable under Order 41 Rule 23A of the CPC.

4. Issue notice to the respondents, returnable on 27.06.2023.

5. Hamdust allowed.

6. Paragraph No.3 of the operative part of the impugned order would remain stayed by way of an ad-interim relief.

7. Prayer for interim relief would be considered after service of notice on the respondents.

8. Stand over to 27.06.2023.

[ARUN R. PEDNEKER, J.]

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