

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

914 APPEAL FROM ORDER NO.47 OF 2023

Raghunath Appa Dange

.. APPELLANT

VERSUS

- | | | |
|----|--------------------------------------|----------------|
| 1] | Mangalbai @ Premalbai Ramdas Gjabhar | |
| 2] | Kamlbai Asaream Gurav. | |
| 3] | Uttamkumar Sakhichanran Roy | |
| 4] | Shardabai Rangnath Dange. | .. RESPONDENTS |

...

Advocate for the appellant : Mr.S.A.Deshmukh

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 21.07.2023

P.C. :

1] Heard the learned counsel for the appellant. The learned counsel for the appellant submits that the Appellate Court has held that at the time of remanding the matter back to the trial Court for proper adjudication, the consent was given by the Advocate appearing on behalf of the appellant – defendant no.2. But, the Advocate appearing on behalf of the appellant – defendant no.2 was not available to argue the matter on merits and the Appellate Court held erroneously that the Advocate appearing for the respondents has given consent to remand the matter. The impugned order indicates that advocate for appellant had

conceded for remand and as such it is not possible to accept the contention of the appellant that the advocate has not consented for remand.

2] In view of the same, it is difficult for this Court to interfere with the order passed by the Appellate Court. Hence, the present Appeal from Order is dismissed.

3] In view of dismissal of Appeal from Order, pending Civil Application does not survive and the same stands disposed of.

4] The Appellate Court, by order dated 15th March, 2023 has granted six months time to conclude the proceedings from the receipt of the Record and Proceedings. Already four months have lapsed. In view of the same, the trial Court is granted further four [4] months to conclude the proceedings from the receipt of this order.

[ARUN R. PEDNEKER]
JUDGE

DDC