

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 107 OF 2021

Mallikarjun Ghatgyappa Mugari & Ors. ...Petitioners.

Versus

Indurao Krishna Patil & Ors. ..Respondents.

Mr. Shashank C. Mangle for the petitioner.

Mr. Ramesh Dube Patil and Vivek Yadav i/b Jay & Co for the respondents.

Coram : Sharmila U. Deshmukh, J.

Date : August 2, 2023.

P. C. :

1. The petition challenges the order dated 31st December 2019 confirming the order of trial Court dated 10th July 2019. Without going into merits of the matter, writ petition can be disposed by remanding the appeal, being, Miscellaneous Civil Appeal No. 39 of 2019, to the appellate Court for deciding the same afresh.

2. Learned counsel appearing for the respective parties agree that the matter can be remanded and a direction can be given to decide the same in a time bound manner. In view of the consensus arrived at between the parties, the impugned order dated 31st December 2019 is hereby quashed and set aside and MCA No. 39 of 2019 is restored to the file, to be decided afresh by the appellate

Court as expeditiously as possible and in any event within a period of four weeks from today.

3. Needless to clarify that all rights and contentions of both the parties are expressly kept open and the appellate Court to decide the appeal afresh without being influenced by the previous order dated 31st December 2019.

4. Till the decision by the appellate Court, the order of the trial Court dated 10th July 2019 will continue to operate.

5. Writ petition stands disposed of in above terms.

[Sharmila U. Deshmukh, J.]