

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO. 84 OF 2020

**SANTOSH
SUBHASH
KULKARNI**

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SANTOSH SUBHASH
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**Shankar Raghunath Mhatre (deceased)
through LRs**

...Appellants

Versus

Ramchandra Maruti Kathavale & ors.

...Respondents

**WITH
INTERIM APPLICATION NO. 19458 OF 2022
WITH
CIVIL APPLICATION NO. 45 OF 2020
WITH
INTERIM APPLICATION (ST) NO. 93399 OF 2020
WITH
INTERIM APPLICATION NO. 10201 OF 2022
IN
APPEAL FROM ORDER NO. 84 OF 2020**

**Mr. V. S. Kapse, a/w Upendra Mahadik, i/b Fast Track Legal,
for the Appellant.**

Mr. Amogh Singh, i/b Jeet Gandhi, for Respondent No.49.

Mr. Baliram Shankar Mhatre, Appellant No.4, present.

CORAM: N. J. JAMADAR, J.

DATED : 10th APRIL, 2023

PC:-

- 1. Heard the learned Counsel for the parties.**
- 2. The learned Counsel for the parties submit that Special Civil Suit No.37 of 2015 is posted for final argument before the trial court.**
- 3. On 13th March, 2020 pursuant to the Minutes of Order dated 13th March, 2020 signed by the appellants and respondent**

No.49 and their respective Advocates ("X"), this Court had directed that there shall be ad-interim order during the pendency of the Appeal from Order in terms of the said Minutes of Order dated 13th March, 2020 ("X").

4. Since the suit itself is listed for final hearing, the learned Counsel for respondent No.49 without prejudice to the rights and contentions of respondent No.49, submits that the appeal may be disposed of and the ad-interim order dated 13th March, 2020 be continued.

5. Mr. Kapse, the learned Counsel for the appellants, on instructions of appellant No.4 - Baliram Mhatre, who is present in Court, submits that the appellants are not averse to the disposal of appeal in the aforesaid terms.

6. In view of the aforesaid submissions, the appeal stands disposed.

7. Ad-interim order passed by this Court on 13th March, 2020, shall continue to operate till the final disposal of the suit by the trial court.

8. This Court has not entered into the merits of the matter and all contentions of all the parties are kept open for consideration by the trial court.

9. In view of disposal of the appeal, all pending applications also stand disposed.

[N. J. JAMADAR, J.]