



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

936 SECOND APPEAL NO. 338 OF 2023

WITH

SECOND APPEAL NO. 507 OF 2023

WITH

CIVIL APPLICATION NO. 12258 OF 2023

IN SA/507/2023

WITH

CIVIL APPLICATION NO. 9352 OF 2023

IN SA/338/2023

MADHUKAR WAMAN BAISANE

VERSUS

DILIP DATTATRAY MAHALE AND ANOTHER

...

Mr. Mukul S. Kulkarni, Advocate for the appellant.
Mr. P.V. Mandalik, Senior Advocate i/b Mr. P.P. Mandlik,
Advocate for the respondents.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 16 OCTOBER 2024

ORDER:-

1. Learned Counsel for the appellants as well as respondents in both the appeals produced on record minutes of order mentioning that the matter can be decided afresh by the learned District Judge-8, Dhule i.e. the first appellate Court alongwith the cross-objections. The minutes of order are taken on record which are filed alongwith the authority letter of some of the appellants in favour of appellant No.1 Madhukar and marked "X" for identification. In view of the same, the present second appeals stand partly allowed and the

judgment and order dated 06.03.2023 passed by the learned first appellate court in R.C.A. No. 62 of 2017 is hereby set aside and the matter is remanded back to the learned District Judge-8, Dhule for deciding it afresh alongwith the cross-objections filed by the original plaintiffs therein.

2. The learned first appellate Court is directed to dispose the said appeal as early as possible. Accordingly, the both the present Second Appeals stand disposed of alongwith the pending Civil Applications.

(SANDIPKUMAR C. MORE, J.)