

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.875 OF 2016
WITH
INTERIM APPLICATION NO.388 OF 2019

Devaji Sitara Kurade ...Appellant

V/s.

Mangliben Holia Kakuwa and Ors. ...Respondents

Mr. Mandar Soman for the Appellant.

Ms. Naina Boraste i/b Mr. G. R. Agrawal for Respondent Nos.1 and 4.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 2nd FEBRUARY, 2024.

P. C.:-

1. Mr. Soman, learned counsel for the Appellant and Ms. Boraste, learned counsel for Respondent Nos.1 and 4 on instructions submit that in view of the decision of the Apex Court in the case of ***Ravindra Kaur Grewal and Ors. vs. Manjit Kaur and Ors. 2019 Vol 8 SCC 729*** the matter may be remanded to the Appellate Court.

2. The legal position is now settled by the Apex Court in the decision in ***Ravindra Kaur Grewal vs. Manjit Kaur (supra)***. The Appellate Court *vide* impugned judgment has dismissed the Appeal by answering the issue as regards the maintainability of the claim on the basis of decision in

the case of *Gurudwara Sahib vs. Gram Panchayat Village Sirthala, (2014) 1 SCC 669*. As the legal position is now settled by the decision in the case of *Ravindra Kaur Grewal and Ors. vs. Manjit Kaur (supra)*, the impugned order is quashed and set aside and the Civil Appeal No.1/2014 is restored to file to be decided afresh. As Appeal is of the year 2014, the District Court is required to decide the same expeditiously and in any event within a period of 6 months from today.

3. Learned counsel for the parties agrees to co-operate in the hearing of the Appeal and would not seek unnecessary adjournments. It is made clear that this Court has not gone into merits of the matter and rights and contentions of both the parties are expressly kept open.

4. Second Appeal stand disposed of in above terms. Interim Application does not survive for consideration and stands disposed.

(SHARMILA U. DESHMUKH, J.)