



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 641 OF 2016

Baji Gene Dombale and Others. ...Appellants.

Versus

Balu Sarjerao Dombale and Others. ...Respondents.

WITH

SECOND APPEAL NO. 459 OF 2016

Sarjerao Gena Dombale and Others. ...Appellants.

Versus

Balu Sarjerao Dombale and Others. ...Respondents.

Mr. Govind Pawar for the appellant in SA No. 641 of 2016.

Mr. Avinash Naikwadi for the appellant in SA No. 459 of 2016.

Mr. Tushar Sonawane and Ms. Pooja Satpute for respondent nos.1 to 4 in both the appeals.

Coram : Sharmila U. Deshmukh, J.

Date : January 30, 2024.

P. C. :

1. After the second appeals were taken up for admission, learned counsel appearing for the parties submit that considering the issues involved, appeals be remanded to the first appellate Court to be decided afresh.

2. Learned counsel for respondent nos.1 to 4, on instructions of Mr. Balu Dombale and Smt. Kasturabai Sarjerao Dombale, who are present in Court agrees to the course of action. Learned counsel for

[This is the corrected order. Corrected portion in bold as per speaking to the minutes order dtd 1st Feb, 2023]

the appellant on instructions from Mr. Bajirao Domale, who is present in Court, submits that the matter can be remanded back for effective hearing.

3. In view of the consensus arrived at between the parties, Regular Civil Appeal No. 127 of **2012** in which the appellant in Second Appeal No. 459 of 2016 had filed cross objection, is remanded to the first appellate Court to be decided afresh. Needless to clarify that the cross-objections filed by the appellant in Second Appeal No. 459 of 2016 is also required to be decided by the first appellate Court along with other applications, if any, filed in the appeal.

4. It is clarified that this Court has not gone into merits of the matter and all contentions of the respective parties are expressly kept open.

5. Considering that suit is pending since long, the first appellate Court is requested to decide the appeal expeditiously.

6. In view of the disposal of second appeals, all civil/interim application(s) taken out in these appeals do not survive and the same are disposed of.

[Sharmila U. Deshmukh, J.]

[This is the corrected order. Corrected portion in bold as per speaking to the minutes order dtd 1st Feb. 2023]

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