



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

**WRIT PETITION NO.3288/2020**

**Smt. Devaki wd/o Mamanchand Agrawal**

**...Versus...**

**Smt. Sudha wd/o Prabhakar Vaidya and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
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Court's or Judge's orders

Mr. M. Anilkumar, Advocate for petitioner  
Mr. Rohit Joshi, Advocate for respondents

**CORAM : N.R. BORKAR, J.**

**DATE : 12/07/2024**

1. The learned counsel for the petitioner has drawn my attention to the order dated 25/02/2020, passed by the first Appellate Court. The said order reads thus :-

*“The contents of the affidavit Exh.39 have been argued and will be considered in the judgment.”*

2. The learned counsel for the petitioner submits that, while deciding the appeal, the first appellate Court has not at all dealt with the affidavit at Exh.39, as there is no reference of it in the impugned judgment.

3. By consent of the parties, the impugned judgment and decree passed by the first appellate Court is set aside and the matter is remanded back to the learned first appellate Court for deciding it afresh in accordance with law.

4. The first appellate Court shall endeavour to decide the appeal within a period of four months from the date of receipt of copy of this order.

5. The writ petition stands disposed of in the aforesaid terms. No order as to costs.

**(N.R. BORKAR, J.)**

Wadkar