



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

41 APEAL FROM ORDER NO. 78 OF 2025

MOTHYA INDYA BHIL
VERSUS
SHIVNYA KHALYA TADAVI AND ORS.

...

Advocate for the Petitioner : Mr. Amit S. Savale
Advocate for Respondent nos. 1, 4 and 5 : Mr. Umakant U. Wagh

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APPEAL FROM ORDER NO. 82 OF 2025

JATYA INDYA BHIL
VERSUS
SHIVNYA KHALYA TADAVI AND ORS.

...

Advocate for the Petitioner : Mr. Amit S. Savale
Advocate for Respondent nos. 1, 4 and 5 : Mr. Umakant U. Wagh

...

CORAM : SHAILESH P BRAHME, J.

DATE : 10.11.2025

PER COURT :

A.O. No. 82/2025 is not on board. Taken on board, on mentioning.

2. Both the appeals shall be decided finally at the admission stage on following substantial questions of law:

(i) Whether the Lower Appellate Court is justified in remanding the matter just to adjudicate the points framed in paragraph No. 13 of the impugned judgment, which exercise could have been undertaken by the Appellate Court itself ?

(ii) Whether the impugned order is sustainable when

Lower Appellate Court is having jurisdiction to decide the question of facts of law on the basis of material available before it ?

3. Parties would be at liberty to file relevant documents on record.
4. List this matter on 02.12.2025.

(SHAILESH P. BRAHME, J.)

mkd/-