



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

**APPEAL FROM ORDER NO. 41 OF 2023
WITH
CIVIL APPLICATION NO. 7768 OF 2023**

Dhanraj Kisanlal Dongre and others .. Appellants

Versus

Gopal Kisanlal Dongre and others .. Respondents

Shri Anand R. Bhandari, Advocate for the Appellants.
Shri Milind K. Deshpande, Advocate for the Respondent Nos. 1 to 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 08TH OCTOBER, 2025.**

ORDER :

. Heard both sides.

2. This appeal from order shall be decided finally on the next date on following substantial questions of law.

(i) Whether impugned order is unsustainable for want of satisfaction as to the necessity of the remand and as per Order 41 Rule 23-A of the C. P. C. ?

(ii) Whether the Lower Appellate Court is justified in permitting the respondent Nos. 1 to 3 to amend the pleadings and adduce additional evidence, more particularly when no such

prayer is made by the respondent Nos. 1 to 3 ?

(iii) Whether the Lower Appellate Court had the jurisdiction to remand the proceedings in an Appeal filed by the appellants, thereby permitting the respondent Nos. 1 to 3 to cure the defect in their suit ?

3. Stand over to 04.11.2025.

[SHAILESH P. BRAHME J.]

bsb/Oct. 25