

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 APEAL FROM ORDER NO. 24 OF 2025

SHAIKH AFSAR SHAIKH HABIB

VERSUS

SHAIKH HAMID SHAIKH HABIB AND OTHERS

...

Advocate for the Petitioner : Mr. Manjiri Achutrao Kulkarni

CORAM : SHAILESH P. BRAHME, J.

DATE : 14.10.2025

PER COURT :

Heard.

2. Following substantial questions of law are expected to be addressed by the parties :

(i) Whether Lower Appellate Court is justified in remanding the matter when the decision rendered in Regular Civil Suit No. 17/1982 could have been dealt with by the Lower Appellate Court himself instead of remanding the matter ?

(ii) Whether the Lower Appellate Court can be said to have committed error of jurisdiction by adopting casual approach, which is not in consonance with the law laid down by the Supreme Court in the matter of **Syeda Rahimunnisa vs Malan Bi (Dead) By Lrs. & Anr.; AIR 2016 Supreme Court 4653** ?

(iii) Whether there is any need or propriety to remand entire matter for adjudication afresh to the Trial Court?

3. It is indicated that the appeal shall be decided finally at the admission stage on the next date. Parties shall be at liberty to produce relevant documents on record.
4. List this appeal on 24.11.2025. Interim relief to continue till then.

(SHAILESH P. BRAHME, J.)

mkd/-