

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.100 OF 2025
WITH
INTERIM APPLICATION NO. 1417 OF 2025

Ravi Sidram Manure and Ors. ... Appellants

V/s.

Surya Constructions and Ors ... Respondent
through Prakash Vittalrao Suravase

Mr. Umesh Mankapure with Nikita Pawar and Abhishek Ingale, for the applicant.

Mr. R.M. Haridas i/by Prasad P. Kulkarni, for the respondent no. 1.

Mr. Prashant Darandale I.by Mr. Amol Patil, for the respondent no. 3.

CORAM : N.J. JAMADAR, J.

DATE : 11TH JUNE 2025.

PC:

1. Heard the learned counsel for the parties.
2. With the consent of the parties the appeal stands allowed in the following terms:

a) The impugned order passed by the First Appellate Court dated 23rd October 2024 stands modified as under:

- i) The judgment and decree in Regular Civil Suit No. 282 of 2015 stands quashed and set

aside.

ii) Regular Civil Suit No. 282 of 2015 stands restored to the file of the Civil Judge Senior Division, Solapur.

iii) The appellants in Regular Civil Appeal No. 153 of 2019 - Respondent Nos. 1 to 3 herein, are added as party defendants to Regular Civil Suit No. 282 of 2015.

iv) The parties shall appear before the Trial Court on 30th June 2025.

v) Newly impleaded defendants are at liberty to file a written statement within a period of one month from the date fixed for the appearance of the parties.

b) The Trial Court shall hear and decide the suit in accordance with law without being influenced by the observations in the judgment passed in Regular Civil Suit No. 282 of 2015 as well as the impugned judgment in Regular Civil Appeal No. 153 of 2019.

c) Regular Civil Suit No. 282 of 2015 be heard and decided simultaneously with Special Civil Suit No. 56 of 2013.

d) Regular Civil Suit No. 282 of 2015 be transferred to the same Court which is seized with Special Civil Suit No.

56 of 2013.

e) The learned Civil Judge is requested to make an endeavour to hear and decide both the suits simultaneously and as expeditiously as possible.

3. In view of disposal of appeal the Interim Application No. 1417 of 2025 also stands disposed.

4. The parties are at liberty to file an application before the District Judge to stay the hearing of RCA No. 178 of 2015 in which, according to learned counsel for the respondent no. 1, identical questions arise for determination and the decision in the said appeal hinges upon the decision of the above-numbered suits.

(N.J. JAMADAR, J)