



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

APPEAL FROM ORDER NO. 19 OF 2025

Vaishali Shivram Sathe .. Appellant

Versus

Deepak Laxman Dawkhar and others .. Respondents

Shri Atharva D. Khedkar, Advocate for the Appellant.

Shri Y. R Barhate, Advocate for the Respondent Nos. 1 to 4.

**WITH
APPEAL FROM ORDER NO. 21 OF 2025**

Deepak Laxman Dawkhar .. Appellant

Versus

Vaishali Shivram Sathe and others .. Respondents

Shri Y. R Barhate, Advocate for the Appellant.

CORAM : SHAILESH P. BRAHME, J.

DATE : 02ND FEBRUARY, 2026.

FINAL ORDER :

. These appeals are preferred challenging self same order of remand dated 13.03.2025 passed by the lower Appellate Court in R.C.A. No. 01 of 2024.

2. Appellant in Appeal from Order No. 19 of 2025 is the original plaintiff. Appellant in Appeal from Order No. 21 of 2025 is original defendant Nos. 1 and 6 to 8. Both are aggrieved by the order of remand. Both the appellants would submit that lower Appellate Court should have exercised the jurisdiction

vested in it in deciding R. C. A. No. 01 of 2024. The appeals are emanating from Spl. C. S. No. 37 of 2015 filed for partition and separate possession, which was decided after giving opportunity to lead evidence to both sides.

3. I am of the considered view that an order of remand is unwarranted. Both appeals are disposed of by quashing and setting aside the impugned order of remand. Parties are relegated before the lower Appellate Court. Appeal shall be decided on its own merits by extending opportunity of hearing to the parties. The parties shall appear before the lower Appellate Court on 16.02.2026.

[SHAILESH P. BRAHME J.]

bsb/Feb. 26