

Reg. Dkt No.15/2016

Devichand Gandhi & Others

Vs.

Rameshchandra Soni & Others

Order below Exh.237

(CNR No.MHAH020000192016)

Perused the application and say Exh.238 filed by the decree holders. Heard both sides.

2. Through this application third party applicants requested for conducting the further proceedings of the present matter along with R.C.S No.516/2015 in view of direction of the Hon'ble Supreme Court order in Petition for Spl.Leave to Appeal No.17883 of 2022 dt.02/01/2023. On the other hand the decree holder submits that the Hon'ble Supreme Court nowhere directed to conduct the proceeding of R.C.S No.516/2015 along with the proceeding of R.D No.15/2016. According to them the word 'the matter' used in the Petition for Spl.Leave to Appeal No.17883 of 2022 dt.02/01/2023 nowhere speak about proceeding of R.D No.15/2016.

3. I perused the order dt.02/01/2023 of the Hon'ble Supreme Court in Petition for Spl.Leave to Appeal No.17883 of 2022 with the assistant of both the parties. In my view, the order of the Hon'ble Supreme Court clearly speaks that R.C.S No.516/2015 is required to be proceeded along with R.D No.15/2016. The term 'the matter' used by the Hon'ble Supreme Court in the order dt.02/01/2023 speaks about R.D No.15/2016 since the order challenged before the Hon'ble Supreme Court was pertaining to the application filed in R.D No.15/2016. Hence, R.C.S No.516/2015 will have to be proceeded

along with R.D No.15/2016. Hence, I pass following order.

:ORDER:

The application is allowed in terms of direction given by the Hon'ble Supreme Court in Petition for Spl.Leave to Appeal No.17883 of 2022 dt.02/01/2023.

Date : 10.04.2023
Ahmednagar.

(S.S. Parave)
9th Jt. Civil Judge Senior Division.,
Ahmednagar. J.O Code-MH01136

“I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original Judgment/Order”.

Name of Stenographer	Shri. P.R. Satpute
Name of Court	Shri. S.S. Parave, 9 th Jt. Civil Judge, S.D., A.Nagar
Date of Dictation	01.07.2022
Order signed by the P.O.on	01.07.2022
Order uploaded on	01.07.2022