

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 APEAL FROM ORDER NO. 5 OF 2022
WITH
CIVIL APPLICATION NO. 3842 OF 2023
IN AO/5/2022
WITH
CIVIL APPLICATION NO. 1960 OF 2022
IN AO/5/2022

RAJARAM GANGADHAR LONDE AND ANOTHER
VERSUS
AJMODDIN A. REHMAN (DIED) THR LRS HARUN AJIMODDIN SHAIKH
AND ORS

...
Advocate for the Petitioner : Mr. M. P Tripathi h/f Mr. Ghute Patil Kishor J.
Advocate for Respondent Nos. 1A to 1E : Ms. Meenal D. Jadhav

...
CORAM : SHAILESH P BRAHME, J.

DATE : 29.01.2026

PER COURT :

Office is directed to refer the certified copy of judgment and decree of Regular Civil Appeal No. 192/2016 for correction of name of respondent nos. 4 to 6 to the Lower Appellate Court.

2. The appellants shall take steps to correct the names.
3. The exercise shall be carried out within four weeks. After correction the Appellate Court shall send back the papers.
4. The appeal from Order shall be decided finally on the next date on following substantial questions of law:

(i) Whether Lower Appellate Court is justified in remanding the matter to the Trial Court instead of deciding the matter on merits by invoking powers under Order XLI

Rule 24 and 33 of the Code of Civil Procedure ?

(ii) Whether order of remand is violated when the measurement and inspection is felt necessary and for that purpose remand is the only proper course ?

(SHAILESH P. BRAHME, J.)

mkd/-