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

**SECOND APPEAL NO. 573 of 2017**

Tanhubai W/o Kedu Sangle

...**APPELLANT**

**VERSUS**

Vimal W/o Sunil Dongre and Anr.

...**RESPONDENTS.**

Mr Amol S. Gandhi, Advocate for petitioner.

**CORAM : NITIN W. SAMBRE, J.**

**DATE: 6<sup>th</sup> September 2017**

**ORAL ORDER:**

Heard Advocate Shri Gandhi for the appellant/original plaintiff.

2. The appeal needs consideration, in my opinion, particularly in the backdrop on the following question of law:-

Whether the lower Appellate Court has committed an error in recording the finding that the issue regarding encroachment by the defendant, was not properly

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considered by Trial Court, which is formed to be basis for reversing the judgment of the Trial Court, whereby the suit came to be dismissed, instead of remanding back the same to the Trial Court for consideration ?

3. **Hence admit.**

**( NITIN W. SAMBRE, J.)**

pjm