

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

CIVIL APPEAL NO. 7984 OF 2015
(Arising out of SLP(C)No.13094 of 2014)

RAM HARI MHATRE ... APPELLANT(S)

VS.

MAHADEO BALU MHATRE & ORS. ... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Heard the learned counsel for the parties.
2. Leave granted.
3. Looking at the facts of the case, in our opinion, it would be just and appropriate to modify the impugned judgment delivered by the High Court to the effect that instead of remitting the matter to the trial court, it be sent to the First Appellate Court and evidence, if any, be led before the First Appellate Court.
4. *The appeal is disposed of as allowed with no order as to costs.*

5. As the matter is pending for quite a long, we hope that the First Appellate Court shall conclude the hearing and decide the case at the earliest, preferably within six months from the date of receipt of this order.

6. *The parties shall remain present before the First Appellate Court on 12th October, 2015.*

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
24th September, 2015.



JUDGMENT