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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.233 OF 2012

Sattar Ahemad Shaikh

APPELLANT

VERSUS

Maheboob Vajir Patel & others

RESPONDENTS

.....

Mr. M. B. Kolpe, Advocate for the appellant

Mr. P. M. Gaikwad, Advocate for respondents No.2, 3, 4, 6, 7 & 8

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 24th NOVEMBER, 2015

ORDER :

1. Heard learned advocate for the appellant.
2. Following substantial questions of law arise in present second appeal.

1. Whether the reversal of decree of the trial court by the appellate court can be said to be proper, without taking into account the four boundaries mentioned in sale deed at Exhibit-71 and those in the sale deed of 1996 at Exhibit-108?
2. Whether the appellate court can be said to have properly decided that the possession over the suit property that of the defendants without taking into account evidence in this

behalf simply saying that witnesses show that defendants possess suit property while reversing findings of the trial court, particularly keeping in view the guiding principles referred to under “*Santosh Hazari V. Purushottam Tiwari*” reported in (2001) 3 SCC 179?

3. **Admit.**

4. Mr. Gaikwad, learned advocate waives service for respondents No. 2, 3, 4, 6, 7 & 8

[SUNIL P. DESHMUKH, J.]

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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4103 OF 2012
IN
SECOND APPEAL NO.233 OF 2012

Sattar Ahemad Shaikh

APPLICANT

VERSUS

Maheboob Vajir Patel & others

RESPONDENTS

.....

Mr. M. B. Kolpe, Advocate for the applicant

Mr. P. M. Gaikwad, Advocate for respondents No.2, 3, 4, 6, 7 & 8

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 24th NOVEMBER, 2015

ORDER :

1. Learned advocate for the applicant submits that during trial there was injunction. He further points out that *status quo* has been operating under interim orders passed by this court.
2. In view same, interim relief to continue till further orders.
3. Civil application stands disposed of.

[SUNIL P. DESHMUKH, J.]