

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 224 OF 2014

Ambadas s/o Babarao Lothe

Appellant

V E R S U S

Jagan s/o Namdeo Lothe and others

Respondents

*Mr. P.R. Katneshwarkar, Advocate, holding for
Mr. B.S. Kudale, Advocate for the appellant
Mr. B.P. Surwase, Advocate for respondent no.1
Mr. K.A. Ingale, Advocate for respondent no.3*

CORAM : A. V. NIRGUDE, J.

DATE : 20th JULY, 2015

PER COURT :

1. Heard.

2. By consent, following order is passed :-

A] Both judgments of the lower Courts are set aside.

B] Case is remanded back to the lower Court for fresh trial for deciding following issues [Earlier Issues are set aside] :-

i] Whether the plaintiff proves that his vendors had sufficient title to the piece of land which was sold in his favour ?

ii] Whether the plaintiff proves that the land in question came to the share of his vendors after land Gat no.11, admeasuring 5 H 56 R was divided between members of family of Rustuma prior or after date of sale-deed ?

iii] Whether plaintiff proves that he is in settled possession of land ?

iv] Whether the plaintiff proves that the sale-deed of 2006 executed in favour of defendant no.11 is valid ?

v] Whether defendant no.11 proves that the land he purchased came to the share of his vendor in a partition which took place either prior or after 2006 ?

C] The parties may get some more issues added if required.

D] The appellant/plaintiff is also given fresh opportunity to make application for temporary injunction.

E] Both the parties are given liberty to lead fresh and relevant evidence.

...Page 3

In view of above, Second Appeal stands disposed of.

In view of disposal of the Second Appeal, Civil Application No.3341 of 2014 stands disposed of.

(**A.V. NIRGUDE, J.**)

SRM/20/7/15