

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.14523 OF 2011
IN
CIVIL REVISION APPLICATION NO.420 OF 1998
WITH
CIVIL REVISION APPLICATION NO.420 OF 1998

Kishanrao S/o Limbaji Kadam,
Deceased through L.Rs. and others .. Applicants

Versus

Gangubai W/o Bhagwandas Pawatekar,
Deceased Through L.Rs. and others .. Respondents

Mr.A.S. Shelke, Advocate for the applicants
Mr.V.P.Raje, advocate h/f. Mr.C.R.Deshpande, advocate for
respondent no.1A

CORAM : M.T. JOSHI, J.
DATE : 03/07/2015

ORAL ORDER :

Both sides submit that the contesting parties are before this Court as the inquiry into mesne profit was started on the application of Gangubai, whose legal representatives is respondent no.1-A who is represented by Mr.Deshpande, learned counsel. Hence, they submit that present application may be heard along with Civil Revision Application itself.

2] In the circumstances, for the reasons stated in the application, delay is condoned. The application is

allowed. For the same reasons, Civil Revision Application is restored to file.

3] Heard.

4] The submissions from both sides would show that deceased respondent no.1-A - Gangubai, as plaintiff, has claimed mesne profit at the rate of Rs.20,000/- per year for wrongful possession of original opponents in the said application, including present applicant - Kishanrao, for 7 Acres 16 Gunthas land i.e. suit property. Earlier, preliminary decree in the Special Civil Suit was passed for delivery of possession and thereafter, present inquiry was started.

5] Ultimately, the original opponents including present applicant conceded that the decree of mesne profit at the rate of Rs.2,000/- per year, may be granted. On the basis of the evidence, the respondents in the said inquiry was directed to pay Rs.40,000/- for wrongful possession of 4 years of the partly irrigated 8 Acres 26 Gunthas of lands with 48 mango trees and even four installments were also granted.

6] Upon hearing both sides, in my view, no material irregularity is committed by learned Civil Judge Senior Division.

7] In the result, Civil Revision Application is dismissed in with no order as to costs.

[M.T. JOSHI]
JUDGE

kbp