IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 637 OF 2011
WITH
CIVIL APPLICATION NO. 14588 OF 2011

Mohan s/o Bapurao Kale,
Age: 38 years, Occ: Agri.,
R/o. Jalalpur, Tq. Karjat,
Dist. Ahmednagar. ...APPELLANT

VERSUS

1. Maruti s/o Krushna Kale,
(died during the suit)

2. Deelip s/o Savalaram Pawar,
Age: 33 years, Occ: Agri.,
R/o. Hill View Park,
Sahakari Gruharachana Sanstha
Maryadit, Plot No. 26, S.No. 29,
Kala Nagar, Dhanakawadi,
Pune-43.

3. Ajeet s/o Savalaram Pawar,
Age: 32 years, Occ: Agri.,
R/o. Hill View Park,
Sahakari Gruharachana Sanstha
Maryadit, Plot No. 26, S.No. 29,
Kala Nagar, Dhanakawadi,
Pune-43.

4. Savalaram s/o Gangaram Pawar,
Age: 60 years, Occ: Agri.,
R/o. Hill View Park,
Sahakari Gruharachana Sanstha
Maryadit, Plot No. 26, S.No. 29,
Kala Nagar, Dhanakawadi,
Pune-43. ...RESPONDENTS

.....

Mr. N.K. Kakade, Advocate for appellant
Mr. V.S. Bedre, Advocate for respondent Nos. 2 to 4

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CORAM : N.W. SAMBRE, J.

DATE : 6th JULY, 2015

ORAL ORDER :

Mr. Kakade, learned Counsel for the appellant, in the wake of observations made by the trial Court and lower appellate Court, particularly paragraph-29 of the judgment of the trial Court, makes motion for withdrawal of the appeal with liberty to approach the competent authority or take such steps as are available in law for espousing his cause for right to have entry in the field.

2. The above referred submissions are objected by Mr. Bedre, learned Counsel for the respondents-defendants on the ground that both the Courts below have concurrently held against him.

3. What is noticed by this Court is, learned trial Court in paragraph-29 of its judgment has already observed that the appellant should have taken recourse to the remedy as was available to him before the revenue authorities.

4. Apart from above, what is required to be taken note of the fact that right of way as sought by the present appellant is

negated. It is also required to be taken note of the fact that either trial Court or lower appellate Court has granted any fresh right of way.

5. In view thereof, keeping liberty as prayed intact subject to provisions of law, the appeal stands disposed of, as withdrawn. Consequently, civil application also stands disposed of.

[**N.W. SAMBRE, J.]**

Tupe/06.07.15