

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2280 OF 2013

GANI AMIN SHAIKH AND ORS
VERSUS
NANA MADHAV GAWATE AND ORS

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Advocate for Petitioners : Shri Garud N.C.
Advocate for Respondent 1 : Shri Badakh Vishal S.
AGP for Respondents 2 to 6 : Smt. Shinde V.A.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 01, 2015
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PER COURT :-

1. I have the learned Advocates for the respective parties.
2. The contention of Shri Garud is that since the petitioners are in possession of the joint family property, the claim of the respondents to the extent of 80 Ares which is based on the sale deed dated 23.8.1998 is unsustainable and they cannot, therefore, claim possession over the said property.
3. Shri Badakh indicates that his suit was decreed in RCA No. 76 of 2013 to the extent of his share of 80 Ares based on the sale deed. The Second Appeal No.451 of 2006, preferred by the petitioners is dismissed by this Court, by judgment dated 6.3.2007.
4. There are some other proceedings as well, pending in between the parties.
5. Shri Garud submits that this petition is against a cause of action with regard to the same portion of 80 Ares land, which was subject matter of RCA No. 76 of 2013 and Second Appeal No. 451 of 2006.

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6. In the light of the above, this petition is dismissed, taking into account the judgment of the appeal Court RCA No. 76 of 2013 and judgment of this Court in Second Appeal No. 451 of 2006.

7. Needless to state, the ad-interim protection granted earlier stands vacated forthwith.

(RAVINDRA V. GHUGE, J.)

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