

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2071 OF 2014

(Dattatraya Ramkrushna Pimparkar Vs. Shivaji Kashinath Pote & others)

Office Notes, Office
Memoranda of appearances,
Court's orders or directions &
Registrar's orders.

Court's or Judge's orders

Mr. Ramesh Dube-Patil, Adv., i/by Mr. Ajay Misar & Co.
for the petitioner.

Mr. R. H. Gite, Advocate for respondent No.2.

Mr. S. S. Suryavanshi, Adv., i/by Ms S. R. Gaidhani,
Advocate for respondent No.3.

**CORAM : NARESH H. PATIL
AND S. B. SHUKRE, JJ.**

DATED : 7TH JULY, 2015.

P.C. :

Regular Civil Suit No. 83 of 2001 was filed by respondents No. 1 and 2, wherein the present petitioner was defendant No.5. The suit was for specific performance of contract and injunction. The suit came to be decreed by judgment and order dated 05/7/2011. Appeal was preferred against the said judgment and decree by the petitioner herein. It is submitted that the appeal was allowed by the appellate Court. It is further submitted that the respondents have now preferred second appeal.

Both the contesting parties have

approached civil Court. There is dispute as to who is in possession of the suit property. Disputed questions in respect of title and possession of the suit property cannot be gone into in the proceedings under writ jurisdiction.

The communication dated 04/02/2013 (Exh.I) made by Grampanchayat, Pimpalgaon Baswant is questioned. In the facts of the case, we are not inclined to invoke our extra ordinary writ jurisdiction. Parties may resort to appropriate alternate remedy as may be permissible in law. We have not expressed any opinion on merits of the matter. All issues on merits are kept open.

With the aforesaid observation, petition is disposed of.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)