

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

SECOND APPEAL NO.481/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. C. Mangle for the Appellant

CORAM : K. K. TATED, J.

DATE : OCTOBER 20, 2015

P.C.:

1. Heard. This appeal is preferred by the Plaintiff challenging the judgment and decree passed by both the courts below.

2. In the present proceedings, the issue is about encroachment i.e. whether the Respondent Defendant encroached on the Plaintiff's property or not?

3. Considering the submissions made by the learned counsel for the Appellant and after going through the impugned decree passed by both the courts below, I am of the opinion that the Appellant has made out a case for admission of the appeal.

4. Hence, **Admit**, on the following substantial questions of law:

- a. Whether the Appellant Plaintiff proved that Respondent Defendant encroached on his property i.e. CTS No.427 situated at village Jarnadi, Tq. Tasgaon, Dist. Sangli to the extent of 0.40 sq.mtr. and 0.60 sq. mtr.?
- b. Whether the Appellate Court failed to consider the map and report filed by the Court Commissioner Prakash Bhimrao Mane Exhibit- 65 and 72 to come to the conclusion that the Plaintiff failed to prove the fact that the Respondent Defendant encroached on CTS No.427.

5. Appellants to file private paper book within one year from today, failing which the appeal shall stand dismissed without further reference to the court.

6. Printing and filing of Roznama is dispensed with.

JUDGE