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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.123 OF 2010
ALONG WITH
CIVIL APPLICATION NO.1295 OF 2014**

Balkrishna Gunda Potdar
Vs.
The Officer of Collector,
Kolhapur & Ors.

..Appellant

.. Respondents

....
Mr.V.S. Talkute, Advocate for the Appellant/Applicant.
Anuprita Nalawade, AGP for the Respondent - State.
....

CORAM : R.K. DESHPANDE , J.

DATED : JUNE, 17 2015.

P.C. :

The trial Court dismissed the suit for removal of encroachment on public road by the defendant no.4. The Appellate Court has also concurred the finding recorded by the trial Court and dismissed the Appeal.

2 As per the averments made in the plaint, the alleged encroachment obstructing the alleged easementary right of the plaintiff was made ten years prior to the date of filing of the suit. In view of this, no substantial question of law arises for consideration. Second Appeal is dismissed.

3 In view of dismissal of the Second Appeal, Civil Application
No.1295 of 2014 does not survive and disposed of as such.

(R.K. DESHPANDE, J.)