

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

SECOND APPEAL NO.1042 OF 2012
WITH
CIVIL APPLICATION NO.2071 OF 2012

Shri Sanjay B. Kirdat and Anr.	.. Appellants.
V/s	
Shri Anna B. Patil and Anr.	.. Respondents.

R.P. Hake Patil h/f S.P. Kadam, for the Appellants.
P.D. Pise, for the Respondent No.1.

CORAM : RAVI K. DESHPANDE, J.
DATED : 15th JULY, 2015

P.C.

1. The controversy in the present case relates to right of access to the road to the plaintiffs plot. Prima facie it is not the easement of necessity which is claimed. The way is claimed by way of convenience to approach the property of the plaintiffs. The Trial Court dismissed the suit claiming the right of it. The Appellate Court passed the order directing removal of wire fencing and planted trees over the disputed way.

2. The substantial question of law, is whether the finding of the Lower Courts that the plaintiffs had right over the disputed

way described in Schedule-'A' of the plaint, is based upon the relevant and admissible evidence on record.

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1. The learned advocate for the respondent No. 2 failed to appear. Hence, in the meantime, the interim order passed in this application shall continue to operate. Civil Application stands disposed off.

(RAVI K. DESHPANDE, J.)