

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10079 OF 2016

Devdatta Krushnath Patil

..PETITIONER

VERSUS

Dhanwantibai Kashinath Gade and Others

..RESPONDENTS

....
Mr. K.K. Kulkarni, Advocate for petitioner.

....

**CORAM : T.V. NALAWADE, J.
DATED : 17th OCTOBER, 2016**

ORDER :

1. The petition is filed to challenge the order made on Exhibit 192 in Regular Civil Suit No. 252 of 1997 presently pending in the Court of Civil Judge Junior Division, Tuljapur. Heard learned Counsel for petitioner.

2. The suit is filed by the present petitioner for setting aside the sale deed executed by his father in respect of two agricultural lands. It is the case that property was ancestral and joint Hindu family and by deceiving his father in 1972, the defendant got executed the sale deed in favour of them and so sale deed is not binding on him. Alternately he has contended that he has become the owner by adverse possession.

3. The petitioner now wants to show to the Court that some portion of the land was acquired for percolation tank by the government but it is not certain as on which side of the land the tank is situated. He wants to show to the Court that the tank is situated on the particular side of the land in dispute.

4. In view of the nature of aforesaid relief claimed by the plaintiff, it can be said that it is not at all necessary to consider the record to ascertain as to on which side of the land the tank is situated. This Court sees no reason to interfere in the order made by the Trial Court. In the result, petitions is dismissed.

(T.V. NALAWADE, J.)

SSD