IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10039 OF 2013

WITH

CIVIL APPLICATION NO.774 OF 2015

Abdul Kadar Mohammed Shaikh.] … Petitioner

Versus

Noorjabi Abdul Rehman Kajrekar and Ors.] … Respondents

Mr. Sudhir Prabhu for Petitioner.
None for Respondents.

CORAM :- M. S. SONAK, J.
DATE :- FEBRUARY 08, 2016

P. C. :-

1. Mr. Sudhir Prabhu, learned Counsel for petitioner, makes a statement that service is complete upon the respondents and even affidavit of service has been filed. In the order dated 20/01/2014, it was made clear that this petition may be heard and disposed of finally at the stage of admission. However, since today neither the respondents nor their Advocates appear, place this matter for final disposal at the stage of admission on 08/03/2016 (on Supplementary Board).

2. The contention raised by Mr. Prabhu is that the petitioner, vide Judgment and Order dated 19/08/1987, was declared as a tenant in respect of the suit property by the Tahsildar. This Judgment and Order has not been set aside and therefore, holds the field. Mr.Prabhu has pointed out that this crucial aspect has not been considered by the MRT whilst making the impugned Judgment and Order dated 23/07/2013.

(M. S. SONAK, J.)