

Sequeira

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

***SECOND APPEAL NO. 361 OF 2015
Along with
CIVIL APPLICATION NO. 827 OF 2015***

Shri Jagdish Kedarnath Tiwari. ... Appellant.
V/s.
Madhavnagar Gram Panchayat & ors. ... Respondents.

Mr. Shivaji Masal, for the Appellant / Applicant.
None for Respondents.

***CORAM : N.M. Jamdar, J.
Thursday 21 April, 2016.***

P.C. :-

The Appellant challenges the Judgment and Order passed by the Civil Judge, Senior division, Sangli dated 13 September 2006 dismissing the Suit and the Judgment and Order passed by the learned District Judge Sangli, dismissing the Appeal by order dated 30 September 2014.

2. The Suit was filed by the Appellant, who is a developer, against Respondent No.3 Co-operative Society for a declaration that entry in the record of Respondent Nos.1 and 2 Gram Panchayat in favour of the Respondent No.3 be declared as wrongly recorded. Both the Courts have negatived the case of the Appellant. The Appellant who is a developer, after construction of the property, signed agreements with the flat holders,

thereafter the flat holders have registered a Co-operative Housing Society. In fact, the Appellant was chairman of the said Housing Society for some time. Both the Courts have taken note of the fact that having developed and sold flats to the flat purchasers who in turn have formed the Co-operative Housing Society, there was nothing illegal about their entry in the record. Both the Courts rightly upheld that in this situation, the Appellant has failed to establish that he had any right left in the suit property. In the circumstances, no question of law arises. Second Appeal is accordingly dismissed. Civil Application also stands disposed of.

(N.M. Jamdar, J.)