

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

***CIVIL APPLICATION NO. 1047 OF 2013
IN
SECOND APPEAL NO. 441 OF 2013***

Shri Sakharam Tatu Chaughule & ors. ... Applicants
v/s

Shri Janardan Ganapat Chaughule & ors. ... Respondents

Mr.Sanjeev Kadam along with Ramdas Hake Patil for the applicants.

Mr.A.S.Khandeparkar along with A.R. Joshi for the respondents.

Coram: N.M. Jamdar, J.

Dated: 9 June 2016

P.C.:

Heard learned counsel for the parties.

2 By the order passed today, the Second Appeal is admitted. As regard the property 9A is concerned, the learned counsel for the Respondents points out that, it is a stand of the Respondents in the first appellate Court that the Respondents have no concern with Survey No.43 Hissa No.9A. The learned District Judge has also recorded this fact in the judgment and therefore as on today there is no apprehension of any kind of interference by the Respondents in respect of the said Hissa No.9A. As regard Hissa No.9B is concerned, the Respondents are in possession. The suit is filed for recovery of possession from the Respondents, in respect of which the

second appeal is admitted. The Respondents are cultivating the said suit property and any order of injunction or *status-quo* will prevent them from using the same which is not warranted. In case any apprehension arises in future, the Applicants can always move an appropriate application in the pending second appeal.

3 The civil application is accordingly disposed of.

(N. M. JAMDAR, J.)