

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

***CIVIL APPLICATION NO. 1583 OF 2014
IN
SECOND APPEAL NO. 174 OF 2006***

Shri Baburao Pandurang Kale,
R/o Kalewadi, Tal. Haweli, Dist. Pune.

... Applicant

v/s

Balu Popat Dabhade & ors.

... Respondents

Ms.Gauri Godse, for the applicant and appellant.

Ms.Nazia Shaikh i/by Leena Patil for Resp. No.1 a to 1 E.

Mr.Nitesh Nevshe for Resp. Nos.2A and 2B.

*Coram: N.M. Jamdar, J.
Dated: 29 April 2016*

P.C.:

By order dated 29 March 2012, this Court directed the concerned Taluka Inspector of Land Records (T.I.L.R.) to demarcate the area of 26.5 Ares to be kept blank. The T.I.L.R. was directed to earmark the site in question and it was directed that the report, after completion of work of demarcation, be submitted to this Court. Learned counsel for the Applicant submits that the T.I.L.R., while carrying out the work of demarcation, has shown a road in the area of 26.5 Ares being excluded from this area. She submitted that taking advantage of this position, Respondent No.1 is in the process of selling the property.

2 This Court had directed the T.I.L.R. to carry out the demarcation and place the report on board so that there is a clarity in the order of injunction. The report of T.I.L.R. will be therefore subject to further scrutiny of this Court before its acceptance. In the circumstances, it will be open to the parties to file their objections, if any, to the report of T.I.L.R. before it is finally accepted by this Court. In the meanwhile, the order directing that 26.5 Ares will not be dealt with by Respondent No.1 in any manner, to continue. If Respondent No.1 has created any third party rights by executing sale deeds, that will be subject to the orders passed in this appeal.

3 In the circumstances, in view of the fact that all parties will be entitled to file their objections to the report, present civil application need not be kept pending and it is disposed of. However, it is clarified that the civil application is disposed of only in the above circumstances and averments taken by the parties in the civil application as well as reply thereto, are kept open.

4 Place the second appeal on board for directions on 10 June 2016.

5 Objections, if any, to the report, will be filed before the next date.

(N. M. JAMDAR, J.)