

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

**FIRST APPEAL NO.12 OF 2015
IN
S.C. SUIT NO.1036 OF 2010**

Chandrakant Ganpat Vichare Appellant
(Ori. Plaintiff)

Vs.

The Conservator & Director of Respondents
Borivali National Park & Ors. (Ori. Defendants)

**ALONGWITH
CIVIL APPLICATION NO.1501 OF 2013
IN
FIRST APPEAL NO.12 OF 2015
IN
S.C. SUIT NO.1036 OF 2010**

Chandrakant Ganpat Vichare Applicant
(Ori. Plaintiff)

Vs.

The Conservator & Director of Respondents
Borivali National Park & Ors. (Ori. Defendants)

**AND
CIVIL APPLICATION NO.2006 OF 2014
IN
FIRST APPEAL NO.12 OF 2015**

Smt. Chandraprabha Chandrakant Vichare Applicant
(Intervenor)

In the matter between

Chandrakant Ganpat Vichare Appellant
(Ori. Plaintiff)

Vs.

The Conservator & Director of Borivali National Park & Ors. Respondents
(Ori. Defendants)

Mr. M.S. Kadu, Advocate for the Appellant.

Mr. A.R. Patil, A.G.P. for Respondents no.1 to 3.

Mr. A.B. Tajane alongwith Ms. Monali Patil for Intervenor in CAF No. 2006 of 2014.

Mr. K.M. Dabholkar, Assistant Conservator of Forest, S.G.N.P. Present.

Coram : **Smt. R.P. SondurBaldota, J.**

Date : 17th March, 2016

P.C.

1 Mr. Patil, the learned A.G.P. states that pursuant to the order dtd.16th March, 2016, the appellant had visited the site at 4.00 pm. for handing over possession of the premises in question. The possession of the premises was taken by the Assistant Conservator of Forest by drawing panchanama. He tenders the panchanama, which has been countersigned by the appellant. The xerox copy of the panchanama is taken on file. With the handed over of possession of the premises, nothing survives in the appeal. The same needs to be accordingly

disposed off.

2 Mr. Tajane, the learned advocate for the applicant in Civil Application No.2006 of 2015 submits that the applicant herein is the widow of Chandrakant Vichare, who died in the year 2002. The real name of the appellant herein is Arjun Shelar. He had impersonated Chandrakant Vichare by producing forged and fabricated documents to secure allotment of premises in question. Defendant no.1 allotted him the premises on 4th December, 2007. The applicant at the relevant time was at the native place. On realising impersonation by the appellant, she had complained to respondent no.1 by her letter dtd.18th June, 2009. Thereafter notice dtd.22nd January, 2010 was issued to the appellant by respondent no.1. Thereafter the appellant filed the suit herein in the year 2010 and continued in possession of the premises till today, thereby depriving the applicant herein of the premises for long 9 years. The records and proceedings show the police enquiry has revealed that the appellant had impersonated Chandrakant Vichare before respondent no.1. Surprisingly, the police did not register any crime against the appellant. In these circumstances, Mr. Tajane prays that the applicant be compensated by costs of the present proceedings.

3 In the above facts and circumstances of the case, in my opinion, imposition of the costs upon the applicant is fully justified. The First Appeal is disposed of as having become

infructuous. The appellant shall pay costs quantified at Rs.25,000/- to the applicant in Civil Application No.2006 of 2014 within a period of four weeks from today. If the appellant fails to pay the costs, within the time granted, the applicant may recover the same as arrears of Land Revenue.

4 In view of disposal of the First Appeal, the above Civil Applications do not survive. The same are accordingly disposed off.

(Smt. R.P. SondurBaldota, J)