

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Cri. WP No. 45 of 2016
Ashok v. The PSO and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr R. D. Karode, Advocate for petitioner
Mr V. A. Thakare, APP for respondents no. 1 and 2

CORAM : B. P. DHARMADHIKARI AND
V. M. DESHPANDE, JJ
DATED : 18.2.2016

1. After hearing learned counsel for the petitioner, we find that agreement entered into by petitioner with daughters of Devidas Deshmukh is not on record. Devidas Deshmukh is claimed to have expired about 42-45 years back. Daughters state that after his death, they stopped visiting Hiwarkhed. Residential house occupied by Devidas was sold by Devidas during his life time. It is claimed that one Thombre was in possession of agricultural field agreed to be purchased from daughters by petitioner and said Thombre. However, there are no documents on record to show possession of Thombre.

2. Petitioner states that he has paid amount of Rs. 3 lacs to those daughters and total sale consideration is Rs. 9 lacs. Daughters have given an affidavit in support of the case of the petitioner.

3. However, on the basis of these averments only, it is not possible for us to take cognizance of writ petition.

4. Petitioner who has entered into an agreement has to make further enquiries and collect necessary data and thereafter he can put forth his grievance.

5. Thus, without observing anything on merits of the controversy and with liberty to the petitioner to approach again with necessary data, we dispose of dispose of writ petition. No costs.

JUDGE

JUDGE

joshi