

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

WRIT PETITION NO.2196 OF 2015

(Pralhad s/o Tukaram Gawande vs. The State of Maharashtra and others)

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

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : MARCH 22, 2016

Reply has been filed by respondent nos.4
and 6.

Adv. Godbole holding for Adv. Jagtap for
respondent no.5 is seeking time.

Adv. Ramteke holding for Adv.
Khandewale is opposing adjournment. He submits
that interest of petitioner will be satisfied if partition
as proposed is directed to be registered. He also
points out that petitioner is aged about 63 years and
notification, which bans such transaction, has been
issued more than four years back.

Adv. Palshikar, learned Assistant
Government Pleader points out that notification is
issued on 20/10/2011 as land is to be submerged and,
therefore, affected by the irrigation project.

The petitioner is only intending to partition his property. By partition, no new interest or rights are created. The rights shall only be ascertained or crystallized. Thus, registration of partition cannot prejudice any of the rights or contentions of respondents before this Court. Registration of such partition after 20/10/2011 cannot enlarge the rights of petitioner or other coparceners.

In this situation, at the risk of petitioner and subject to above observations, we direct respondent no.6 to register partition in accordance with law.

After registration of partition, its certified copy shall be supplied to Office of respondent nos.4 and 5 by petitioner.

The writ petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

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