

**IN THE HIGH COURT OF JUDICATURE  
AT BOMBAY**

**BENCH AT AURANGABAD.**

**WRIT PETITION NO.639 OF 2015**

Jayant S/o Shashikant Vighave...Petitioner.

Versus

The State of Maharashtra  
and others. ... Respondents.

...  
Mr.Shaikh Mazhar A.Jahagirdar, advocate for the  
petitioner.  
Mr.C.S.Kulkarni, A.G.P. for the State.  
...

**CORAM : S.V.GANGAPURWALA J.**

**Date : 12.12.2017.**

**PER COURT :**

1. Mr.Jahagirdar, learned counsel for the petitioner submits that the suit was filed by the plaintiff for partition and separate possession. The suit was decreed holding that plaintiff is entitled for half share. The appeal was filed by the present petitioner and original defendants. The appeal was dismissed. The Second Appeal is also dismissed for non-prosecution.

The Civil Application for restoration was filed. The learned advocate fairly concedes that the said application for restoration of Second Appeal is also rejected. According to learned counsel, the petitioner is not made party in the execution proceedings.

2. Learned A.G.P. states that the petitioner has ready to approach the Revenue authorities.

3. The decree passed by the Civil Court has been confirmed up to this Court. If the petitioner has any objection to the measurement or otherwise, the petitioner has remedy before the Revenue authorities. Only issuance of notice is assailed in the present Writ Petition. This Court had passed an order on 3.2.2015, giving liberty to the petitioner to address the Circle Officer, Shrirampur on the possession notice.

4. As petitioner has remedy before the Revenue authorities, no case for interference.

The Writ Petition is disposed of. No costs.

**( S . V . GANGAPURWALA, J . )**

asp/office/wp639.15

