

(1)

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

**CIVIL APPLICATION NO. 8308 OF 2015
IN/WITH
SECOND APPEAL (ST.) NO. 3041 OF 2015**

The Municipal Corporation, Latur,
District Latur,
Through its Commissioner

..APPLICANT
(Orig. Defendant)

VERSUS

1. Babulal s/o Lakhamshi Patel,
Age: 38 years, Occu: Business
2. Samji s/o Lakhamshi Patel,
Age: 45 years, Occu: Business
3. Deelip s/o Lakhamshi Patel,
Age: 42 years, Occu: Business
4. Narsing s/o Lakhamshi Patel,
Age: 50 years, Occu: Business,

All R/o. Nanded Road, Latur,
District Latur

..RESPONDENTS
(Orig.Plaintiff)

Mr A. V. Hon, Advocate for applicant

CORAM : N.W. SAMBRE, J.

DATE : 21st July, 2017

ORAL ORDER

For the reasons disclosed in the application, delay of 142 days caused in filing second appeal stands condoned. Civil Application stands allowed.

2. The appeal is taken up for final hearing at admission stage.

(2)

3. In a suit being Special Civil Suit No. 185 of 2008 for declaration and perpetual injunction, filed by respondents-plaintiffs, the appellant-original defendant suffered a decree. The defence of the appellant is, his title to the suit property is conclusive based on mutation entry. Mutation entry is already upset in Revenue proceedings and not questioned by the appellant.

4. In view thereof, I hardly notice any substantial question of law in appeal. As such, appeal fails and stands dismissed.

(N.W. SAMBRE, J.)

sjk