

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

WRIT PETITION NO. 6828 OF 2014

ASHOK BADRINARAYAN BHARADIYA
AND ANOTHER

...Petitioners

VERSUS

JEEVAN RAMKISAN KABRA AND OTHERS ...Respondents

...
Advocate for Petitioners : Mr. Lakhotiya Pawan K.
Advocate for Respondents 1 to 6 : Mr. Kale Ajeet B.

.....

CORAM : NITIN W.SAMBRE, J.

DATE : 24th November, 2017

PER COURT : -

Upon perusal of document Exh.35/1, it cannot be inferred that the possession of the suit property was handed over to the present petitioner-plaintiff by the defendant, of which specific performance is sought.

2. In view thereof, the Writ Petition is allowed and the order impugned dated July 23, 2014, passed by the learned

Civil Judge, Senior Division, Kopargaon, in Special Civil Suit No. 24 of 2013, below Exh.36, is not sustainable, and as such, the same is quashed and set aside. Suit to proceed expeditiously.

[NITIN W.SAMBRE, J.]

dbm