

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 953 OF 2014
WITH
CIVIL APPLICATION NO. 1159 OF 2014

Sharad Shah & Anr	...Appellants
<i>Versus</i>	
Valmik Sevantilal Maniar	...Respondent

Mr Kishor Jain, with Shweta Jain, Prinyanka Chheda, i/b Divya Jain, for the Appellants.
Mr Rakesh Kumar Singh, for the Respondent.

CORAM: G.S. PATEL, J
DATED: 10th July 2017

PC:-

1. By consent, the Suit itself is decreed in terms of prayer clause (a), (b), (c) and (d) of the plaint. As regards prayer clause (e) there will be a decree in the following terms:

- (a) The District Inspector of Land Records will survey both plots 6A and 6B and will mark out the dividing boundary land. He will ascertain the area of each plot according to the official Government records.

- (b) The Plaintiffs' plot 6B is said to be 1365 sq. mts. If this plot is found to be on actual survey less than 1365 sq. mts. and the deficit is found to be included in the Defendants' plot 6A, then Mr Jain on instructions agrees that the deficit area will be marked and included in the Plaintiff's plot. The Defendant' plot No.6A admeasures 2727 sq. mtrs.
- (c) Any controversy about the actual area of the Defendants' plot will also be ascertained as per the Government record by the District Inspector of Land Records.
- (d) The District Inspector of Land Records will also ascertain whether the compound wall today in existence conforms to the Government Survey demarcated boundary line. If not, the Defendants agree and undertake to construct/reconstruct/ demolish and construct the boundary line strictly in accordance with and along the Government survey demarcated boundary line so that there is no deviation therefrom. This construction and reconstruction, including any work of demolition, will be done by the Defendants at their cost. These are statements made by Mr Jain on instructions from Defendant No.1, who is personally present in Court.

2. The Suit is decreed in these terms. Decree to be drawn up accordingly by the Trial Court.
3. The Appeal itself is disposed of in these terms.
4. All Motions and interim Applications in the Appeal as also in the Suit are disposed of accordingly.

(G. S. PATEL, J.)