

(iii) The Appellant shall be at liberty to take out appropriate proceedings to prove his claim over the portion of the property, which according to the Appellant is encroached upon by the Respondent and seek appropriate reliefs in this regard. The proceedings if taken out shall be decided on its own merits.

(iv) All contentions of the parties are kept open.

2. The above Second Appeal as well as Civil Application are accordingly disposed off.

(S.J.KATHAWALLA, J.)