IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

SECOND APPEAL NO.395 OF 2013
WITH
CIVIL APPLICATION NO.68 OF 2013

Shivaji Ramji Thakare .. Appellant
Versus
Kalibai Tulshiram Bhoye
since deceased through L Rs.
1A. Tulshiram Janu Bhoye And Others … Respondents

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Mr. A.V. Chatuphale for the Appellant.
None for the Respondents.

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CORAM : S.C. GUPTE, J.

DATE : 28 FEBRUARY 2017

P.C. :

. Heard learned Counsel for the Appellant.

2 The Respondents are absent, though duly served. The Respondents are represented through Advocate. On the last date, i.e. on 13 February 2017, the matter was adjourned at the request of the Respondents' Advocate.

3 The second appeal is admitted on the following substantial question of law :

> Whether the Courts below were right in law in decreeing the Respondents' suit for possession based on title only on

the basis of revenue records, when the Appellant (original Defendant No.1) also holds similar revenue records in his favour ?

4 The printing of paper book is dispensed with. The Appellant shall, however, file a private paper book containing papers and proceedings before the Courts below within a period of 12 weeks from today.

5 Learned Counsel for the Appellant prays for interim relief of stay of the impugned judgment and decree of the First Appellate Court. An important document, namely, the letter addressed by the Forest Officer, Satana to the Tahsildar, Baglan, District Nashik on 16 July 2004, is annexed to the civil application. In this letter, the Forest Officer has informed the Tahsildar about allotment of the suit land on permanent basis to the Appellant referring to various documents in that behalf. The Forest Officer has also noted that the predecessor in title of the Respondents had no connection with the suit property. There is no reply filed by the Respondents to this civil application contesting this letter. On these facts, the interim protection in respect of the suit property must follow.

6 Accordingly, pending the hearing and final disposal of the second appeal, the execution of the impugned judgment and decree passed by learned Adhoc District Judge 2 and Additional Sessions Judge, Malegaon, District Nasik, is stayed.

7 The civil application is disposed of accordingly.

(S.C. GUPTE, J.)