

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 1142 of 2016
IN
Second Appeal No. 501 of 2016
[Gram Panchayat, Ghorad Distt. Wardha Vs. Shri Bhayyaji
Shankarrao Waratkar]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. S.S. Ghatge, Adv., for the applicant.
Mr. S.K. Bhoyar, Adv., for respondent sole.

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CORAM : A. S. CHANDURKAR, J.

DATE : 19th June, 2017

The applicant seeks stay of the execution of the decree for possession passed in favour of the respondent.

The appeal has been admitted after framing substantial question of law.

Though the prayer as made is opposed by the learned counsel for the respondent, considering the nature of the decree passed, the ad interim relief granted on 27th February, 2017 shall operate as interim relief during pendency of the appeal.

Civil Application is disposed of.

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Second Appeal No. 501 of 2016 :

It is submitted on behalf of the appellant that possession of the suit property was taken over by the defendant in the year 1974. However, in the penultimate line of the substantial question of law as framed, there is a typographical error describing the defendant as “plaintiff.”

This aspect is not disputed by the learned counsel for the respondent.

In view of aforesaid, the substantial question of law as framed shall read as under:-

“Whether the lower Appellate Court was right in reversing the decision of the Trial Court without considering the finding that the plaintiff himself has admitted that the possession was taken over by the defendant in the year 1974 and construction of water tank was carried out?”

Judge