Sarnobat

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1056 OF 2018
IN
SECOND APPEAL NO. 173 OF 2013.

Shri Babasaheb Krishna Ghatge. ... Applicant.

In the matter between :

Nabi Rajappa Dhumal & Ors. … Appellants.
Vs.
Shri Babasaheb Krishna Ghatge,
and Ors. ... Respondents.

Mr. Suresh M. Kamble, for the Applicant.
Mr. Prabhu Bhosale I/by A. S. Kapse, for the Respondents.

CORAM : A. M. DHAVALE, J.

DATE : 20th AUGUST, 2018.

P. C. :

1. Heard the learned advocate for the applicant. The subject matter of suit and first appeal under challenge is about property of Gut No. 245 and protection was sought for the structure standing thereon. It was claimed that the plaintiff had become owner. This application is moved for removal of encroachment over the land from the said Gut No. 245 which is not the subject mater of civil suit and the first appeal. Some other persons have made encroachment over the same. If the rights of the plaintiffs are any way affected by some third person in

respect of another land, the plaintiff must avail the legally permissible remedy and filing some application in this appeal would definitely not be a remedy. This court cannot grant a relief as claimed against third party in respect of another land. Hence, Civil Application is dismissed in limine.

[A. M. DHAVALE, J.]