

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application NO. 3003 OF 2016
IN
Writ Petition NO. 1283 OF 2016

Shri. Chandrakant Baburao Patil
And Anr

...Petitioners

Versus

Shri. Asif Iqbal Danani
And Ors

...Respondents

....

Mr. P.S. Dani, Senior Advocate i/b. P.M. Arjunwadkar, Advocate for the applicants in Civil Application and for the Respondents in Writ Petition.

Ms. Neeta Karnik, Advocate for the Respondents.

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CORAM : R. G. KETKAR, J.

DATE : 07th FEBRUARY, 2018
[IN CHAMBER AT 2:35 P.M.]

PC.

1. Heard Mr.P.S. Dani, the learned Senior Counsel for the applicants and Ms.Neeta Karnik, the learned Counsel for the respondents, at length.

2. By this application, the applicants have sought clarification of the statement recorded in paragraphs-7 and 9(a) of the order dated 12.2.2016 and made by the learned Counsel appearing for the applicants in Writ Petition No.1283/2016. He submitted that it may be

clarified that the statement was made in the context of and related to plots No.7, 8, 19 and 20 which belongs to the first respondent. Said statements cannot be extended and will not bind the applicants insofar as other open area as well as internal road as shown in Survey No.827, Hissa No.4 which does not belong to the respondents.

3. After hearing the learned Counsel appearing for the parties, I do not find that any case is made out for clarification of the statement recorded in the order dated 12.2.2016. However, the learned trial Judge will frame following issue:

Whether there is a public road between plots No. (1) 9 to 15, (2) 2 to 8 and (3) 16 to 20 of Survey No.827/4 as claimed by the plaintiffs or whether it is a private property as claimed by defendant No.1 in paragraph-18 of the written statement ?

4. With aforesaid direction, Civil Application is disposed of. Order accordingly.

(R.G. Ketkar, J.)