

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9798 OF 2019

Ramesh Shivling Sakhare

..Petitioner

Versus

M/s. Sohal Engineering Works & Ors.

..Respondents

Mr. S. P. Shinde, Advocate for the Petitioner.

Mr. Sidharth Samantaray i/by Yogal Bhatia, Advocate for Respondent No.1.

Mr. S. P. Tripathi a/w Mr. Amar Khanna a/w Mr. Sandeep Hirvadekar i/by A. Bharat & Co., Advocates for Respondent No.1 (a).

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 5th DECEMBER, 2019

P.C.

1] Case pleaded in the Writ Petition is that the Petitioner is the owner of property bearing Sr. No. (Old) No.200 known as chikan land admeasuring area 7 acre and 39 guntha now bearing CTS No.286, 286/1, 286/3, 284 village Bandup. Petitioner pleads that Respondent No.1 was a partnership firm to whom he handed over the suit property by way of Lease Deed dated 08.08.1961. He pleads that Respondent Nos.1a to 1e are the legal heirs of late Dharampal Singh Sohal in whose favour the Lease Deed was executed. It is pleaded that Respondent No.2 is the Bank with whom Respondent No.1 mortgaged the suit property. He pleads that Respondent No.3 claims to be the highest bidder in the auction held in respect of the sale of the property. He pleads that he executed a irrecoverable power of attorney

in favour of one Mr. Sahebrao Gangadhar Kadam, the proprietor of Strufcon Realty Pvt. Ltd. (How can there be a proprietor of a private limited company.) He pleads that one Ranganath Bhimapa Sakhre and Tukaram Dada Pustuke purchased the suit property under a sale agreement dated 07.02.1918 from one Tukaram Lakshman Shevalkar and Ramrao Lakshman Shevalkar. He pleads that they sold the same to Ranganath Bhimapa Sakhre. He pleads that Ranganath Bhimapa Sakhre also purchased the land adjacent to the aforesaid property from Butman Rupaji Sheikh. He pleads that Ranganath Bhimappa Sakhre divided the property into two parts. He then pleads that on the death of Ranganath Bhimappa Sakhre his children inherited his properties.

2] All these pleadings lead us no-where.

3] The prayer made is interesting. The prayer is to direct the Respondents to grant an opportunity to him in Recovery Proceedings No.208 of 2003 pending before the learned DRT-II, Mumbai.

4] We are informed that the said proceedings have been closed on 10th July 2019 and thus the question of granting relief by way of directing learned DRT-II, Mumbai to hear the Petitioner does not arise.

5] The Petition is dismissed.

Balaji G.
Panchal

Digitally signed by
Balaji G. Panchal
Date: 2019.12.06
10:31:03 +0530

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

BGP.