

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO.231/2019

Girish s/o Bhagwan Sukhdeve .vs. Chitralekha s/o Vasudeo Lanjwar & ors.

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

Court's or Judge's orders.

Mr. Y. J. Maheshwari, Advocate holding for Mr. S. V.
Bhutada, Advocate for appellant.

CORAM : V. M. DESHPANDE, J.

DATED : JULY 4, 2019

Heard Mr. Maheshwari, learned counsel holding
for Mr. Bhutada, learned counsel for the appellant.

The present second appeal is filed by the
defendant against whom concurrent findings of facts are
recorded by the Courts below holding that he has no right to
have ingress to his agricultural field i.e. Gat No.451, through
agricultural field Gat No.450 owned by the plaintiff.

According to the learned counsel for the
appellant, the suit was not maintainable for want of
necessary parties. The said aspect, in my view, both the
Courts have considered very elaborately and rightly found
that the suit cannot be dismissed on the said ground.

Admittedly, the present appellant filed the
proceedings before Tahsildar against the plaintiff, who
claimed that his way was obstructed which he was using to
go to Gat No. 452. Admittedly, in the said proceedings, the
plaintiffs were not the parties. Exh-17 is a map, which is
heavily relied upon by the present defendant to show that

the defendant is having right of approach through Gat No.50. In my view, Exh.-17 would not be binding on the plaintiffs when admittedly, they were not parties in the proceedings before Tahsildar and before Tahsildar, the appellant filed proceedings to point out that his right of way was obstructed by one Mr. Milind.

On appreciation of facts, the Court found that the appellant is having alternate way also to approach to his field Gat No. 451. Resultantly, I do not find any merit in the present appeal. The appeal is, therefore, dismissed.

JUDGE

kahale