

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

CIVIL APPLICATION (CAS) NO.966 OF 2019

IN

SECOND APPEAL NO.35 OF 2017

Sawaldas Jaukimal Nagdeve and another.

Vs.

Smt. Nankibai wd/o Shivadas Mirgani and others.

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

Court's or Judge's orders

Shri Rohit Joshi, Advocate for applicants.

Shri M. Anilkumar for non-applicant nos.1(a to f), 2, 4, 5.

CORAM : A. S. CHANDURKAR, J.

DATE : DECEMBER 02, 2019.

Perused contents of the application and heard learned counsel. Also perused the order dated 18.07.2019 passed on Civil Application No.68 of 2019.

According to the applicants the area of field Survey No.172 situated at Desaiganj which is at serial no.2 in the list of properties is 2 Hectar 30 R and not 1 Hectar 35 R as recorded. It is submitted that 1.35 is the revenue assessment which can be seen from the judgment of the trial Court and the appellate Court.

According to the learned counsel for the non-applicants the aforesaid field is lying barren and is not under cultivation.

On perusing the judgment of the trial Court and appellate Court it is seen that Survey No.172 is admeasuring 2 Hectar 30 R and hence the typographical error in the order dated 07.09.2018 in Civil Application No.435 of 2017 is corrected. The present applicants are entitled to receive possession of Survey No.172 admeasuring 2 Hectar 30 R situated at Desaiganj. This

arrangement is without prejudice to the parties. Shri Anilkumar, learned counsel for the applicants submits that possession of the aforesaid land would be taken in the next ten days. Statement accepted. The Civil Application is disposed of.

JUDGE

Sarkate