

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

WRIT PETITION NO.2300/2020

Ravikant S/o Radheshyam Sharma

...Versus...

Abdul Shahid S/o Abdul Khaiq Patel and another

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

Court's or Judge's orders

Shri Gaurav Singh Sengar, Advocate for petitioner.

CORAM : ANIL. S. KILOR, J.

DATE : 21/09/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

After hearing for considerable time on merits, the learned counsel for the petitioner fairly states that before filing this petition on 24/02/2020, the possession had been taken by the decree holder on 09/05/2019. He further submits that the structure which was in possession of the petitioner was still standing of the land in dispute.

I am afraid that once the possession had been taken by the decree holder and the decree has already been fully executed, even if, the present petition is allowed and thereby applications Exh Nos. 75 and 76 referred by the petitioner in darkhast proceedings under Order 21, Rule 97 of Civil Procedure Code are allowed, the petitioner cannot get back his possession. In fact, the present petition has become infructuous on possession was taken.

In the circumstances the petition is disposed of with liberty to avail remedy available to the petitioner under the law for possession.

Petition is disposed of.

JUDGE

J.Pethe