

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

CIVIL APPLICATION (CAS) NO. 425 OF 2020

IN

SECOND APPEAL NO. 305 OF 2005

(Sindhutai Kesharao Pachpohar Vrs. Dinesh S/o Gulabsingh Chauhan)

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

Court's or Judge's orders.

Shri R.M.Sharma, Advocate for the applicant.

CORAM : ANIL S KILOR, J.

DATE : 22nd OCTOBER, 2020.

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

2. Heard Shri R.M. Sharma, learned counsel for the applicant/original defendant.

3. This is an application moved by the applicant/original defendant for clarification of judgment dated 5th May, 2020 passed by this Court, in view his anxiety that that learned District Judge, Wardha should not get prejudiced by any of the observations made by this Court vide judgment dated 5th May, 2020.

4. Shri Sharma, learned counsel for the applicant argues the matter at length. However, he

failed to point out any positive finding given by this Court in respect of ownership.

5. Though, I am not convinced with the way in which Shri. Sharma, learned counsel for the applicant is interpreting the judgment by taking out a single line of any paragraph and without reading the judgment or particular paragraph as a whole.

6. However, in the interest of both the parties and to avoid any possibility as Shri Sharma, learned counsel for the applicant has expressed, it is made clear that learned District Judge, Wardha shall decide the matter afresh without being influenced and prejudiced by any of the observation made by this Court in the judgment dated 5th May, 2020.

7. Accordingly, the application is disposed of.

JUDGE