

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****SECOND APPEAL NO. 448 OF 2021****WITH****INTERIM APPLICATION NO. 3972 OF 2021**

Harmeet Chandok Alias Sunny

... Appellant

V/s.

Pandurang Rajaram Inamdar

... Respondent

Dr.Uday P. Warunjikar for Appellant.

Mr.PS. Dani, Senior Advocate i/b. Mr.Laxman Deshmukh for Respondent.

CORAM : A.S. GADKARI, J.**DATE : 13th December 2021.****PC. :**

1. Heard learned counsel for the respective parties.
2. Admit.
3. Following substantial questions of law arise for consideration.

(a) Whether the suit filed by the Respondent was barred by law of limitation and whether limitation under Article 65 was attracted or not?

(b) In view of the principle behind Order 41 Rule 22 of C.P.C., whether the Appellant was justified in contending that the finding recorded by the Trial Court about becoming owner by adverse possession was unsustainable without filing any cross objection or appeal?

4. Respondent being a senior citizen, hearing of Second Appeal is expedited.

Appellant is directed to submit paper-book of the present Appeal in the Registry within a period of eight weeks from today.

After the Appellant supplies paper-book in the Registry, the Respondent is granted liberty to circulate the Second Appeal for 'Final Hearing'.

5. Admittedly the predecessor-in-title of the Appellant was in possession of the suit property since the year 1979. It is a further admitted fact on record that the Appellant is in possession, use and occupation of the suit property.

In view thereof, interim relief in terms of prayer Clause (a) of Interim Application No.3972 of 2021.

6. Interim Application No.3972 of 2021 is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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