

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

SECOND APPEAL NO. 48 OF 2019

(TIMA SOVINDA KAPGATE & OTH...VS.. GOMA SOVINDA KAPGATE & ANR.)

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

Court's or Judge's orders

Shri Nitin Vyawahare, Advocate for Appellants.
Shri A.M.Quazi, Advocate for Respondents.

CORAM : ANIL S. KILOR, J.
DATED : OCTOBER 26, 2021.

1. Heard.
2. At the outset, Shri Nitin Vyawahare, learned counsel for the appellants submits that if the Collector while effecting the partition will follow the procedure under Section 8AA of the Maharashtra Prevention of Fragmentation and Consolidation of Holding Act, 1947 (hereinafter referred to as “the Act of 1947”), he does not want to pursue the present Second Appeal.
3. Shri A.M.Quazi, learned counsel for the respondents submits that there are 15 to 20 agricultural lands of which partition need to be effected. There are few agricultural lands to which provision of the Act of 1947 may not be attracted. Therefore, such procedure may be followed only in case where the provisions of the Act of 1947 will be applicable.
4. In view of the request of the learned counsel for the appellants, the appellants are permitted to

withdraw the present appeal. However, it is made clear that while effecting partition, as directed by the Courts below, the Collector shall follow the procedure as prescribed under Section 8AA of the Act of 1947 for the lands to which the provisions of the Act of 1947 will be applicable.

5. With this clarification, the Second Appeal is **disposed of**. No order as to costs.

JUDGE

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