

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1920 OF 2020  
IN  
SECOND APPEAL NO.205 OF 2014**

|                                     |               |
|-------------------------------------|---------------|
| Shri Baburao Dattatraya Bhui & Anr. | ...Applicants |
| Versus                              |               |
| Shri Shantinath Bapu Gath           | ...Respondent |

Mr. Manoj Patil, for the Applicants.

Mr. Rahul P. Kasbekar and Mr. Surel S. Shah, for the Respondent.

**CORAM : MADHAV J. JAMDAR, J.  
DATED : 5<sup>th</sup> DECEMBER 2022**

**P.C. :**

1. Heard Mr. Manoj Patil, learned counsel appearing for the Applicants.

2. The Applicants are the original Respondents. The learned Trial Court by Judgment and Decree dated 16<sup>th</sup> December 2009 declared Applicant No.2 as owner of the suit land and granted decree of possession. The said decree has been reversed by the learned Appellate Court by the Judgment and Decree dated 26<sup>th</sup> July 2013 by holding that the original Defendants have proved

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ownership of the suit property by way of adverse possession.

3. By order dated 21<sup>st</sup> February 2019, the Second Appeal has been admitted on substantial questions of law framed therein.

4. It is the contention of Mr. Manoj Patil, learned counsel appearing for the Applicants that the Applicant No.2 is aged about 80 years and she is widow having 3 children, 1 son and 2 daughters. All of them are totally blind and they are dependent on the Applicant No.2

5. For the reasons set out in the Interim Application, the same is allowed in terms of prayer clause (a) and the Second Appeal is fixed for final hearing on 5<sup>th</sup> January 2023 at 2.30 p.m.

**[MADHAV J. JAMDAR, J.]**

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