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

**INTERIM APPLICATION NO.17592 OF 2022
WITH
INTERIM APPLICATION NO.17594 OF 2022
IN
SECOND APPEAL NO.598 OF 2022**

Union of India & Anr. ... Applicants

Versus

Dr. Anil Ganpatrao Natu & Ors. ... Respondents

Mr. Ram Apte, Senior Advocate i/b Mr. Anand Kulkarni for the
Applicant/Appellant.

CORAM : S. M. MODAK, J.

DATED : 23RD AUGUST 2022

P.C. :

INTERIM APPLICATION NO.17592 OF 2022

1. Heard learned Senior Advocate Mr. Ram Apte for the Applicants/Original Defendants.
2. The impugned judgment was delivered by the First Appellate Court on 20th December 2021. As per the Applicants there is delay of 10 days. There is prayer for delay condonation in prayer clause (a). Whereas office note mentions that period from 15th March 2020 upto 20th February 2022 is excluded as per the order dated 10th January 2022 passed by the Hon'ble Supreme Court. The office note is accepted. Hence Appeal is treated as filed in time. This Interim Application is disposed of. There is

interim relief asked for staying the Appellate Court judgment. For that there is separate Interim Application filed.

Second Appeal No.598 of 2022

3. Heard learned Senior Advocate for the Appellants.
4. The trial Court as per judgment dated 28th February 2007 was pleased to declare the Plaintiff as absolute owner of the suit property. Whereas the claim of the Appellants for declaration as to ownership by way of counter claim was rejected. Those Appellants were restrained from disturbing possession of the Plaintiff over the suit property. When the First Appeal was filed at instance of the Defendants, the trial Court judgment was upheld. That's why the Second Appeal.
5. The main contention of the Appellants is that both the Courts below have not properly appreciated evidence adduced on behalf of the Defendants and the provisions of relevant laws relating to salt work.
6. Issue notice before admission to the Respondents, returnable on 11th October 2022. Additionally, private notice is allowed. Service affidavit be filed. The Appellant is at liberty to file compilation of documents.

Interim Application No.17594 of 2022

7. Heard learned Senior Advocate for the Applicants.
8. My attention is invited to the order dated 26th November 2007 passed by this Court in Civil Application No.3739 of 2007 in First Appeal No.2039 of 2007. It is submitted that the First Appeal is transferred to the District Court in view of enhancement of pecuniary jurisdiction. It is submitted that the order dated 26th November 2007 was in force till

disposal of the First Appeal. Similar relief is sought.

9. The Respondents are in possession of the suit land. They have been declared as absolute owners. As observed on 26th November 2007, there cannot be stay to execution of the trial Court judgment. So the direction can be given to the Respondents as mentioned in the order dated 26th November 2007. In view of that the following order is passed :

- (a) The Respondents are restrained from creating third party interest in respect of suit property and also from parting with possession thereof in favour of third party.
 - (b) The Appellants are also restrained from dispossessing the Respondent from the suit property in any manner.
- This order is passed till the next date.

10. Issue notice to the Respondents, returnable on 11th October 2022. Additionally, private notice is allowed. Service affidavit be filed.

(S. M. MODAK, J.)