

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8725 OF 2021

Shri. Chandrakant Joma Mhatre and Anr. ..Petitioners

Versus

Shri. Suresh Dharma Patil and Ors. ..Respondents

Mr. Jitendra H. Oak, for the Petitioners.

Mr. C. V. Bhadane, for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 18th FEBRUARY, 2022

PC.

1. Heard.

2. The impugned order dated 15th December, 2018 passed below Exh.1 appears to be ignorance of the law of the Apex Court in the matter of *Ravinder Kaur Grewal and Ors. Vs. Manjit Kaur and Ors.* reported in **2019(8) SCC 729** particularly paragraph 61 thereof, which reads thus :-

“61. Resultantly, we hold that decisions of Gurudwara Sahab v. Gram Panchayat Village Sirthala (supra) and decision relying on it in State of Uttarakhand v. Mandir Shri Lakshmi Siddh Maharaj (supra) and Dharampal (dead) through LRs v. Punjab Wakf Board (supra) cannot be said to be laying down the law correctly, thus they are hereby overruled. We hold that plea of acquisition of title by adverse possession can be taken

by plaintiff under Article 65 of the Limitation Act and there is no bar under the Limitation Act, 1963 to sue on aforesaid basis in case of infringement of any rights of a Plaintiff.”

3. That being so, impugned order is set aside.
4. As such, petition stands disposed of.
5. Trial Court to proceed with the matter.

[NITIN W. SAMBRE, J.]