

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

118 LETTER PATENT APPEAL NO. 9 OF 1987

PRALHAD BHAIROBA SURYAWANSHI DECEASED BY HEIRS
KERBA PRALHAD SURYAWANSHI AND OTHERS
VERSUS
SHRIMANT SHAMRAO SURYAWANSHI AND OTHERS

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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 10 APRIL 2023

PER COURT :-

1. The Office has listed the present appeal pursuant to the directions of the Supreme Court in Civil Appeal No. 2706 of 1991 dated 22.01.2002, which was preferred against the judgment and order passed by this Court in LPA No. 9 of 1987.

2. None is present.

3. The original owner of the suit property had agreed to sell it to the original defendant nos. 1 to 3. Subsequently, the owner sold it under a registered sale deed dated 23.11.1967 to a subsequent purchaser, who filed a suit for possession based on title. The trial court dismissed the suit. The first appeal preferred by the purchaser

was also dismissed. In the Letters Patent Appeal preferred by the subsequent purchaser, the appeal was allowed, the judgment and order of the trial court and the learned Single Judge in the first appeal were set aside and the suit was decreed.

4. Aggrieved thereby, original defendant no.1's heirs filed the Civil Appeal No. 2706 of 1991 in the Supreme Court. By the order dated 22.01.2002, the appeal was allowed. The judgment and order in the LPA was set aside. However, while setting aside the judgment and order in LPA, the Supreme Court directed the matter to be sent back to this Court for deciding any other question of law, if any, that was arising in the LPA.

5. Since the order of the Supreme Court resulted in dismissal of the suit which was a suit for possession based on title, nothing more remains to be decided in the LPA.

6. Office shall treat the LPA as disposed of finally.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]