

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 227 OF 2013
WITH
CIVIL APPLICATION NO. 3712 OF 2013
IN
SECOND APPEAL NO. 227 OF 2013

Laxmibai Ramkishan Bhutale (died)
Thr LRs Ramkishan Mariba Bhutale and Ors. ... Appellants
Versus
Uttam Meghaji Jadhav and Ors. ... Respondents

...
Ms. R.R. Mane h/f. Ms. J.H. Patki – Advocate for Appellants
Mr. G.G. Suryawanshi – Advocate for Respondent Nos.1 to 3
....

CORAM : GAURI GODSE, J.
DATE : 24th February, 2023

PER COURT :

1. Heard.
2. The Second Appeal admitted on the following substantial questions of law :
 - a) Whether the findings recorded by the first appellate court are contrary to the pleadings as well as evidence on record which specifies the boundaries of the suit property ?
 - b) Whether reasonings given by the first appellate court for reversing the findings recorded by the trial court satisfies

the parameters laid down by the Hon'ble Supreme Court in the case of *Santosh Hazari Vs. Purushottam Tiwari* reported in AIR 2001 SC 965 ?

c) Whether the revenue record supports the case of the plaintiff/appellant that the suit land is allotted to the appellant in the year 1979 ?

3. Mr. G.G. Suryawanshi, learned counsel appearing on behalf of respondent nos.1 to 3 waive service.
4. Call for record and proceedings.
5. Printing is dispensed with.
6. The appellants to file private paper book containing judgments of both the courts, first appeal memo, pleadings, notes of evidence and exhibited documents, within a period of one year from today.

CIVIL APPLICATION NO. 3712 OF 2013

7. This Civil Application is filed for temporary injunction restraining the respondents from obstructing the possession of plaintiff/applicant over the suit property.

8. By order dated 12th April, 2013 there is already an order of temporary injunction granted in the nature of not to obstruct possession of applicant over the suit property. The said order is continued till date. The Second Appeal is admitted. Hence, the order dated 12th April, 2013 to continue during the pendency of the appeal.
9. The Civil Application is disposed of.

[GAURI GODSE]
JUDGE