



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 873 OF 2022

Babu Laxman Mangle (deceased)
Smt. Anusaya Babu Mangle and others ... Appellants

Versus

Jyotiba Appa Mangle (deceased through
his legal heirs) Smt. Akubai Jyotiba Mangle
and others ... Respondents

WITH
INTERIM APPLICATION NO. 30701 OF 2022

.....

Mr. Niranjana Bhavake alongwith Mr. Siddhesh Shetty instructed by
Bhavake and Associates for the Appellants.

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CORAM : N.R. BORKAR, J.

DATED : 22 AUGUST 2023

P.C. :-

1. The respondents herein had filed a suit for removal of encroachment and possession. The trial on the basis of report of Taluka Inspector of Land Record decreed the suit. The appeal filed by the appellants against the decree of the trial Court came to be dismissed, hence this Second Appeal.

2. The learned Counsel for the appellants submits that T.I.L.R. has admitted that no survey record of the suit property was available with

his office. It is submitted that thus the substantial question of law which arises for consideration is whether the trial Court was justified in decreeing the suit on the basis of T.I.L.R. report, which was prepared in absence of survey record.

3. I have perused the Judgment of trial Court as well as of the appellate court. It appears that survey of the concerned village, where the suit property is situated is yet to be conducted. The T.I.L.R. therefore appears to have submitted the report on the basis of title documents of the parties. No fault therefore can be found with the report of the T.I.L.R. The Second Appeal is dismissed. The Interim Application also stands disposed of.

(N.R. BORKAR, J.)