

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3753 OF 1995

Ghumat Ramgonda Patil
(since deceased) through Legal Heirs
Houshakka Ghumat Patil & Ors.

.. Petitioners

Versus

Jangonda Raygonda Patil
(since deceased) through Legal Heirs
Annaso Jangonda Patil (Pandhare) & Ors.

.. Respondents

.....

- Mr. Harihar Bhavé a/w Ms. Rupa Bhavé and Ms. Divya Menon for Petitioners
- Mr. Ashok B. Tajane for Respondent No. 1D, 1E, 2A to 2E and 4B to 4F
- Mrs. V.S. Nimbalkar, AGP for State

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 02, 2023

P.C.:

1. Heard Mr. Bhavé, learned Advocate for Petitioners; Mr. Tajane, learned Advocate for Respondent No. 1D, 1E, 2A to 2E and 4B to 4F and Mrs. Nimbalkar, learned AGP for State.

2. On 01.12.2022, this Court passed the following order:-

“1. Heard learned Advocates for the respective parties.

2. Mr. Bhavé, learned Advocate for Petitioner submitted that the case of the Respondents (Original Appellants) before the Superintendent of Land Records is contained in Paragraph No. 5 of their Appeal No. 821 of 1995 (at page no.14 of the petition). He submitted that it was their contention that the road i.e. part of the City Survey No.930 and to the North of City Survey Nos. 892, 893 and 894 was belonging to their ownership and was used for ingress and egress privately by the Respondents.

3. Mr. Tajane, learned Advocate for Respondent Nos.1D, 1E, 2A to

2E, 4B and 4F submitted that he has received the relevant documents, old sale deeds etc, inter alia, which will go to show the substantive rights of the Respondents in respect of the said road. He seeks leave of the Court to file compilation of documents.

4. Equally, Mr. Bhave has also made a request to the Court to file compilation of certain relevant Judgments having relevancy to the said Easementary Rights of the Petitioners in respect of said road.

5. Since joint request has been made by both the learned Advocates, it will be prudent to allow them to file their respective compilations on or before 05.01.2023. The additional documents shall be filed on Affidavit in the Registry. The same shall be exchanged by them at least a week before the next date to enable this Court to hear the matter finally.

6. Stand over to 05th January, 2023.”

3. Today, Mr. Tajane, learned Advocate for Respondent No. 1D, 1E, 2A to 2E and 4B to 4F has placed on record a communication dated 30.01.2023 written by Respondent No. 1B which states that the dispute between the parties has been reconciled; that on behalf of all Respondents, he is the person who is looking after the matter and since the issue is very old, Respondents are not interested in prosecuting / defending the matter. Said letter is taken on record and marked “X” for identification.

4. In this view of the matter, it needs to be stated that the parties to the *lis* are all relatives and neighbours who are occupying the subject suit properties bearing CTS Nos. 892, 893, 894 and 930 and the area on the eastern side of CTS No. 930 wherein the disputed construction was being made by the Petitioners. By the impugned order dated 29.07.1995 passed by Respondent No. 8 in statutory Appeal No. 821 of 1995, the delay of 25 years in filing the Appeal was

condoned by passing the said order without assigning any reason. Being aggrieved, the Petitioners filed the present Writ Petition since the validity of the order dated 29.07.1995 passed by Respondent No. 8 – Superintendent of Land Records, Satara was questioned.

5. Considering the stand adopted by the Respondents today and the fact that there is no dispute whatsoever now prevailing with respect to the use of the subject property which was part of CTS No. 930 and the northern side of CTS Nos. 892, 893 and 894 which was used by all the parties as a public road and more specifically in view of the stand adopted by the Respondents in the letter dated 30.01.2023, the impugned order dated 29.07.1995 is quashed and set aside.

6. In view of the above, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
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