



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 534 OF 2016

Edge Forming Pvt. Ltd.

.....Appellant

Vs.

Budhraj Mahadu Rokade and 28 Others

.....Respondents

Mr. Pankaj J. Das, Advocate for the Appellant.

None for the Respondent.

CORAM : GAURI GODSE, J.

DATE : 4th SEPTEMBER, 2023

P.C.

1. This appeal arises from a judgment order dated 11th February 2016, by which the application by the appellant/original plaintiff praying for the appointment of Court Receiver has been rejected.

2. The Suit is filed challenging three sale deeds in respect of the property, which is the subject matter of the suit and a prayer is also made for possession of the suit property.

3. Perusal of the impugned order reveals that the allegation of encroachment is against defendant no. 29, who is restrained from dismantling and damaging the suit structures. A perusal of the record

shows that both parties are claiming right, title and interest in the suit property on the basis of their respective title documents, which are the subject matter of the challenge in the suit.

4. On perusal of the record and the reasons given by the learned Judge in the impugned order, I do not find any ground to interfere with the impugned judgment and order.

5. On making a query with respect to the stage of the suit, learned counsel for the appellant submits that the evidence of the plaintiff is already over, and the suit is for the recording of evidence of the defendants. In such circumstances, I do not see any reason to interfere with the impugned judgment and order. There is no illegality or perversity in the reasons recorded by the learned Judge in the impugned judgment and order. There is no merit in the present Appeal.

6. For the reasons recorded above, the Appeal from Order is dismissed.

[GAURI GODSE, J.]