

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.268 OF 2016
WITH
CIVIL APPLICATION NO.532 OF 2016
IN
SECOND APPEAL NO.268 OF 2016**

Vijay Purshotam Kadam and Ors. ...Appellants

Versus

Purshotam Kanaji Thakkar and
Anr. ...Respondents

....

Mr. Ranjeet Patil for the Appellants.
Ms Shruti Tulpule for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI J.

DATED: 5th OCTOBER, 2023.

P.C.:-

1. This second appeal is filed by the Defendant in R.C.S. No.468 of 2002, which was filed by Respondent No.1 essentially to restrain the Appellant herein from attempting to record their name in the Corporation Records. The said suit was filed during the pendency of R.C.S. No.1091 of 1995, wherein the Respondent/Plaintiff had sought eviction of the Appellant herein from the suit premises bearing 13/47 in Survey No.3080, Nashik. The cause for filing the said suit was that during the pendency of

previous suit for eviction the Appellants were attempting to incorporate their names in the records of the Corporation.

2. It is brought to my notice that the suit for eviction has been decreed in the first appeal. The decree of eviction was confirmed by the Appellate Court and the Second Appeal No. 304 of 2019 filed before this Court has been dismissed by this Court by order dated 12/09/2023. The defence, which was set up by the Appellant in the subsequent suit, has been considered in the previous suit and it has been held that the predecessor of the Appellant herein was employed as a watchman and he was residing in the premises in the capacity as a watchman. In such circumstances, eviction decree having been confirmed, the present appeal is devoid of merits and is accordingly dismissed.

3. The Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)