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

**INTERIM APPLICATION NO. 20106 OF 2022
IN
SECOND APPEAL NO.86 OF 2016**

Laxman Satu Dhakwal
since deceased through legal heirs
Janaki Laxman Dhakwal & Ors. ...Applicants
Versus
Anant Maruti Patil ...Respondent

Mr. Shailendra S. Kanetkar, for the Applicants.

Ms. Tahira Siddique and Ms. Shweta R. Rathod, i/b. Elixir Legal Services, for the original Appellant in Second Appeal No.86 of 2016 & Respondent in IA/20106/2022.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 18th JULY 2023**

P.C. :

1. This Interim Application is taken out by the Applicants who are the original Respondents. The relief sought in the Interim Application is to modify/recall the order dated 8th January 2021 passed by a learned Single Judge in Civil Application (ST) No.33057 of 2018 only to the extent it directs the Applicants not to take any steps for changing the revenue record in respect of the suit property and further permit the Applicants to apply to the revenue authorities for correction of the revenue record in respect of the suit property for the purpose of

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enabling the Applicants to carry out the agricultural activities and to pay and/or receive taxes, dues, compensation or such other benefits under the schemes of the State Government or Central Government.

2. The Second Appeal No.86 of 2016 is admitted by a learned Single Judge by order dated 11th July 2017. By separate order dated 11th July 2017 passed in Civil Application No.128 of 2016, the learned Single Judge has directed that pending the hearing and final disposal of the Second Appeal, parties shall maintain status-quo in respect of the suit property.

3. By further order dated 8th January 2021 passed in Civil Application (ST) No.33057 of 2018, another learned Single Judge has clarified status-quo order passed by this Court on 11th July 2017 in the following manner:-

“5 In the premises, it is directed that the ***status quo* order passed by this court on 11 July 2017 shall be clarified as follows:**

(i) **The respondent, being in possession of the suit property, shall not create any third party right** in it or part with its possession to any third party pending the hearing and final disposal of the

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Second Appeal.

(ii) It is clarified that observations made in the foregoing order are made for the purposes of the present Civil Application. The court shall decide the Second Appeal independently on merits without being in any way influenced by this order.

It is clarified that maintenance of status quo by the respondent will also imply that the respondent cannot take any steps for changing the revenue record in respect of the suit property.”

(Emphasis added)

4. The said order dated 8th January 2021 is further clarified by order dated 24th March 2021 as there was some confusion regarding description of the parties. The said clarification is in paragraph No.3, which reads as under:-

“3. Accordingly, interim application is disposed of in terms of the following order :

It is clarified that the word “Respondent” in paragraphs 4 and 5 of the order dated 8 January 2021 applies to the Applicants of the civil application, in which the order of 8 January 2021 came to be passed. It is the Applicants, namely, the

legal heirs of deceased Laxman Satu Dhakwal, who were Applicants in Civil Application (Stamp) No.33057/2018 and who are Respondents in the present second appeal, who have been held to be in possession of the suit property in the order of 8 January 2021 and their possession cannot be disturbed by the original Appellant in the second appeal, namely, Anant Maruti Patil, either by entering into the suit property or by carrying out any agricultural or other activities therein either by himself or through his agents or persons claiming through him, as a result of the order of 8 January 2021.”

(Emphasis added)

5. Thus, the effect of all these orders i.e. order dated 11th July 2017 as clarified by order dated 8th January 2021 read with order dated 24th March 2021 is, it has been held that the Applicant i.e. Laxman Satu Dhakwal since deceased through legal heirs Janaki Laxman Dhakwal, Shashikant Laxman Dhakwal and Sanjnani S. Gaikar (hereinafter referred to as “the present Applicants”) are in possession of the suit property i.e. agricultural land.

6. It is submitted by Mr. Kanetkar, learned counsel appearing for

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the present Applicants i.e. original Respondents that although they are in possession of the said property and they are carrying out agricultural activities in view of the order dated 8th January 2021, the original Appellant i.e. Respondent in the Interim Application i.e. Anant Maruti Patil is taking benefits of various agricultural schemes. It is clear that both the Courts have concurrently held that the present Applicants are in possession of the property. This Court granted status quo order and clarified that the present Applicants are in the possession of the suit lands. Therefore, it is clarified that as the present Applicants i.e. Janaki Laxman Dhakwal, Shashikant Laxman Dhakwal and Sanjnani S. Gaikar are in possession of the said property and carrying on agricultural activities, in terms of the status-quo granted by this Court, they are entitled to take benefit under the appropriate schemes of the State Government or Central Government. However, it is clarified that they cannot create any third party interest with respect to the suit property.

7. With the above clarification, the Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]