

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.7213 of 2022

SATISH S/O SURSHRAO ADGULWAR VS SARASWATIBAI ASARAM KARLE (SINCE DECEASED) THR. LRS.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.R. Agrawal, Advocate for the Petitioner

**CORAM : ANIL S. KILOR, J.
DATED : 03.01.2023.**

Heard.

2. There are two orders under challenge in this petition, namely order below Exh.26 dated 05.10.2021, rejecting the objection under Order XXI Rule 97 to 99 read with Section 47 of the Code of Civil Procedure for resistance of decree on the grounds assigned therein and another order below Exh.1 dated 14.10.2021 whereby the permission to withdraw the amount of Rs.25 Lakhs was allowed.

3. The learned counsel for the petitioner submits that the petitioner is having interest in the said land and in view of the fact that the owners of the land in question executed power of attorney, and also special power of attorney dated 21.02.2002 in favour of the petitioner and as such, the rejection of the application Exh.26, as well as permitting the land owners to withdraw the amount vide order below Exh.1, is erroneous.

4. I have perused the impugned orders where-from, it can be seen that the power of attorney executed in favour of the

petitioner by the land owners in question was cancelled on 05.05.2016 and after four years, the petitioner filed objection. The court has observed that mere sale deed does not confer the title and ownership, unless there is a registered sale deed.

5. Thus, considering the material available on record, the trial Court has rightly, dismissed the application Exh.26 filed by the petitioner under order XXI Rule 97 to 99 read with Section 47 of the Code of Civil Procedure. Further the learned trial Court permitted the land owners to withdraw the amount of Rs.25 Lakhs, as there is no proceedings or appeal is pending. As such, no perversity is pointed out in both the orders, accordingly, the petition is **dismissed**.

[ANIL S. KILOR, J.]