



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

Writ Petition No.6430 of 2022
GANESH VITHOBAJI DHABALE
VS
UTTAM S/O. SADASHIV BHAGAT

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

Court's or Judge's Order

Shri P.S. Raut, Advocate for the Petitioner/s
Shri M.V. Rai, Advocate for the Respondent-sole

CORAM : ANIL S. KILOR, J.
DATED : 23.10.2023

1. Heard.
2. In the suit for recovery of possession of agricultural land, the petitioner/defendant moved an application for framing an additional issue and thereby, prayed the trial Court to frame the issue, whether the defendant/petitioner proves that he is a tenant of the suit field.
3. It is the case of the petitioner that, he is in possession of the suit property as a tenant and the respondent has executed the Maktepatra on 12.07.2013 in respect of the suit property in favour of the petitioner.
4. Thus, from the application, it can be said that the basis to frame an additional issue, is the document, namely Maktepatra and the learned trial Court, after going through the said document, has held that under the said Maktepatra, the land was

given to the petitioner for one year and the document does not create any tenancy in favour of the petitioner.

5. Moreover, the learned trial Court has observed that the claim of the respondent/plaintiff is for possession of the land on the basis of title. Accordingly, the application was rejected.

6. After going through the impugned order dated 10.08.2022 passed by the learned Civil Judge Junior Division, Dhamangaon Railway, I do not find any error committed by the trial Court. Accordingly, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]