



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**9 CIVIL APPLICATION NO. 9298 OF 2023
IN SA/310/2002**

**MOHANRAO GOPALRAO KULKARNI
VERSUS
MOHD. SHARIF MOHIYODDINM DIED SHARIFABEE DIED
SHAKEEL AND OTHERS**

...
Mr. A.S. Bajaj, Advocate for the applicant.
Mr. S.U. Shikh, Advocate for respondent Nos. 1B to 1F.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 22 APRIL 2024.

ORDER:-

1. Heard rival submissions.
2. The applicant who is the original appellant, has sought permission to cut the Neem tree which has been fallen in his area and to sell the same.
3. The learned Counsel for respondents strongly objected for such prayer since it is claimed by the respondents that the applicant has in fact encroached upon 9 R land of the respondents. However, irrespective of pleadings of rival parties, the main aspect is to be considered is the cultivation of land. The learned Counsel for the applicant suggested that instead of cutting and selling the Neem tree, the applicant may be permitted to shift the said Neem tree so that it will remain

on the common Bandh of rival parties. In view of the same and considering the problem of appellant about effective cultivation of his land, though disputed, he is permitted to shift the fallen Neem tree conveniently on the existing Bandh between the fields of rival parties as per current situation. As such, the application in view of this direction stands disposed of.

(SANDIPKUMAR C. MORE, J.)