



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 FIRST APPEAL NO. 3120 OF 2021

HARIBAI RAMESH TELANGE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Appellant : Mr. Irale Eknath G.
AGP for Respondents/State : Mr. D.B.Bhange
Advocate for Respondent No. 3 : Mr. Patil Jayant R.

...

CORAM : KISHORE C. SANT, J.

DATE : 20th JULY, 2024.

PER COURT :

1. By consent of the parties the First Appeal is taken for final disposal.
2. Record and Proceedings is also received.
3. This appeal is against the judgment and order passed by the learned Joint Civil Judge, Senior Division, Ahmedpur in LAR NO. 10 of 2019. The appellants/Claimants claim to have interest in the property in land Gut no. 10

acquired by the State i.e. Respondent Nos. 1 and 2. The claim was made by the present appellants that they became the owners on the basis of agreement to sale they have acquired interest and therefore they have right to seek compensation to the extent of their rights.

4. The reference Court specifically framed issues as to the ownership of the acquired land. The Court specifically recorded that the appellants/Original Respondent Nos. 2 and 3 failed to show any document in support of their case. The Court further considered that the present appellants had filed RCS No. 28 of 2011 and same came to be dismissed holding that the appellants have no any right over the said land.

5. Learned Advocate for the appellants/applicants vehemently argued that the reference Court has committed an error in holding that the present appellants have no any right in the property. Their RCS No. 28 of 2011 came to be dismissed for none payment of proper Court fees. It is further argued that the Court has held that respondent No. 3 is the owner of the property.

6. As against that the learned AGP and learned Advocate for Respondent No. 3 submit that the story of the applicants itself is concocted. The appellants have taken different stand in different proceedings. In LAR their stand is that there is a agreement to sale in their favour. In the Suit No. 28 of 2011 their case is that they have share in the property being members of the family. When infact they could not produce any evidence in support of any of the contentions.

7. Learned Advocate for respondent No. 2 also relied upon a copy of the judgment in RCS No. 28 of 2011 dated 02.05.2011 passed by the Joint Civil Judge, Senior Division, Ahmedpur wherein, the Court has also granted finding on merit while discussing issue Nos. 1 & 2. It is their case that the plaintiffs have not lead any evidence before the Court showing their right in the property.

8. This Court has also gone through the R & P and finds that the appellants could not prove their right in the property. It is clearly seen from the record that from time to time appellants are taking different stands and creating

obstacles in the way of respondent No. 3. The applicants have filed the appeal which is totally misconceived and from their conduct it is clear that it is filed with ill motive. Hence following order :

ORDER

- a) The First Appeal stands dismissed with costs.

**(KISHORE C. SANT)
JUDGE**

mahajansb/