

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8453 OF 2024**

Sushil Bansi Jadhav and Anr.

... Petitioners

Versus

State of Maharashtra and Ors.

... Respondents

.....

Mr. Suraj Naik a/w. Mr. Roshan Hule, Advocate for the Petitioners.

Ms. Gauri Jadhav, 'B' Panel Advocate a/w. Mr. Hamid Mulla, AGP for the State – Respondent Nos. 1, 3 and 4.

Mr. Samir Kumbhakoni i/by Mr. Rajat Dighe, Advocate for Respondent No.2.

PSI – Mr. Nitin Khandare, Vikroli Police Station.

PSI – Mr. Kailas Chavan, Vikroli Police Station.

CORAM : R. M. JOSHI, J.**DATED : 3rd SEPTEMBER, 2024.****P.C. :**

1. This Court had passed order dated 23.07.2024 wherein a statement was made on behalf of the learned counsel for the respondent No.2 that after the receipt of possession of the premises in question somebody has broke open the lock and had entered the property. Since the grievance was made in this regard on the last date of hearing, this Court had directed the concerned Police Station to submit a report in this regard. The report indicates that there is no third party is residing in the said premises and the said premises is under lock.

2. On specific query made by this Court to the learned counsel for

respondent No.2, it is submitted that in the month of June-2024 possession of the subject premises was given to this respondent, however, he is not residing there. Considering the inconsistency in the statements made on the previous dates of hearing and today, respondent No.2 is directed to file affidavit in this regard. Affidavit be filed before 13.09.2024. Copy of the affidavit be made over to the other side in advance.

3. Stand over to 13th September, 2024.

(R. M. JOSHI, J.)

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