

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16934 OF 2024

SATISH
RAMCHANDRA
SANGAR

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SANGAR

Date: 2024.12.16
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Sambhavnath Aadgonda Patil

...Petitioner

V/s.

Maharashtra State Vidyut Mandal
Karmachari Sah. Bhadekaru Malaki
Gruh Nirman Sanstha, Vishrambag,
Sangli, Through its Chairman :
Narayan Naikhu Kamble

...Respondent

Mr.S.S.Patwardhan i/b.Ms.Mrinal A. Shelar:-	Advocates for Petitioner.
Mr.Ashutosh M. Kulkarni a/w Mr.Akshay Kulkarni:-	Advocates for Respondent.

CORAM : S. M. MODAK, J.

DATE : 11th DECEMBER 2024

P. C. :-

1. Heard learned Advocate Shri.Patwardhan for the Petitioner-Defendant and learned Advocate Shri.Kulkarni for the Respondent-Plaintiff-Society.
2. In a suit for specific performance filed by the Society, there was a temporary injunction Application thereby asking injunction against

the Defendant from obstructing possession over the suit land. The description of suit land is given in Para No.1 of the plaint on Page No.88. Even, the Defendant has filed an Application for injunction against the Plaintiff and its members from encroaching upon the suit land, from digging and moving any stones and soil from suit land and further not to cause any damage to the suit land. (Page No.60).

3. The trial Court as per the order dated 16th March 2023 has passed the following order:-

- (a) Rejected Application of the Plaintiff.
- (b) Allowed the Application of the Defendant.

4. This was challenged by the Plaintiff by way of Misc. Civil Appeal and that order is on Page No.449. The Appellate Court disposed of the Appeal on 24th September 2024 and passed the following order:-

- (a) The order dated 16th March 2023 passed by the trial Court was set aside.
- (b) The Application below Exhibit-5 of the Plaintiff was allowed.
- (c) Application at Exhibit-30 filed by the Defendant was rejected.

5. That is how, this Writ Petition by the Defendant. It seems that both the parties have relied upon several documents before the trial

Court. According to Mr.Patwardhan, he has filed all the documents which were filed along with the paper-book prepared by the Plaintiff before the Appellate Court. There are certain photographs which are part of the record before the trial Court. According to Mr.Kulkarni, those photographs were not annexed to the Writ Petition. In view of that, following direction is given:-

- (a) Let, both the parties to ascertain whether all the documents relied upon by everyone is annexed to the Petition or not. If it is not there, both of them to file their respective documents in this Court.

6. The suit is for specific performance. Both the parties have pleaded separate case. The Plaintiff pleads that they were put in possession whereas, the Defendant has denied it. There is another sale-deed executed in between the Defendant's brother and the Plaintiff. Admittedly, the sale-deed in respect of the present suit land is not executed. There is an issue, whether the bungalows constructed by the members of the society are on the suit land or on the land purchased by the Plaintiff from Defendant's brother. It is not the case of the Plaintiff that the society was put in possession on the date of execution of the Agreement for Sale. Whereas, they relied upon the two documents which are on Page Nos.125 and 128. According go Mr.Patwardhan, his

client is disputing those documents for several reasons. The society has pleaded that the Defendant-owner has put them into possession and permitted them to have plotting of suit lands and they have done it.

7. Considering the controversy, this Court feels that both of them can avail of the possibility of settlement through Mediation. In view of that, following direction is given:-

DIRECTION

- (i) The dispute is referred to District Legal Services Authority–Sangli (“**DLSA-Sangli**”).
- (ii) The Secretary–DLSA–Sangli is directed to appoint a Mediator.
- (iii) Both the parties are directed to appear before the learned Secretary–DLSA–Sangli on 18th December 2024.
- (iv) **Learned Secretary–DLSA–Sangli to send compliance Report.**

8. In view of the above, stand over to **22nd January 2025**. To be listed for “**Compliance**”.

[S. M. MODAK, J.]