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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
SECOND APPEAL NO. 661 OF 2024  
WITH  
INTERIM APPLICATION NO. 14105 OF 2024**

Ananda Shripati Kambale ... Appellant/Applicant

Vs.

Shamrao Keru Kamble and Others ... Respondents

Mr.Suresh M. Kamble for the Appellant/Applicant.

**CORAM : GAURI GODSE, J.**

**DATE : 25<sup>th</sup> OCTOBER 2024**

**ORDER :**

1. Heard learned counsel for the appellant. Second appeal is admitted on the following substantial questions of law :

(i) Whether, the First Appellate court is right in reversing the findings recorded by the Trial Court and setting aside the decree of injunction, on the ground that the documents produced by the respondent to support the contention of the respondent that Gram Panchayat Milkat No. 631 is survey no. 1448, whereas the documents produced by respondent do not prove that G. P. Milkat No. 631 is survey no. 1448 ?

(ii) Whether the First Appellate Court was right in holding that the Appellant has not produced any document to show that the suit property i.e. City Survey No. 1448, Block No. 59, House No. 803 has been allotted to the appellant's predecessor by the said society more particularly in view of the production of Enquiry Register at Exh. '8' which clearly records that the Suit Property was allotted to Putlabai w/o. Shripati Kamble?

(iii) Whether the First Appellate Court failed to correctly appreciate the pleading and evidence on record, which indicates that Survey No. 1448 was allotted to Putlabai and that Resolution No.5B at Exh. 18 on 10<sup>th</sup> May 1967 do not support the case of Respondent as the Survey No. 1448 was not allotted to Sundabai at any point of time and further the Resolution No. 5B do not bear name of Sundabai and the said Resolution was only a proposal, and the same was not finalized ?

(iv) Whether the First Appellate Court erred in holding that the assessment extract House No. 631 is C. S. No. 1448, is contrary to the evidence produced on record for following reasons :

i) C. S. No. 1448 was never allotted to Sundabai.

- ii) Enquiry register of year 1970 records, name of Putlabai as allottee.
  - iii) Certificate issued by Gram Panchayat nave paragon Exh. 77 records that the property C. S. No. 1448 and Gram Panchayat House No. 803 is one and the same property.
  - iv) The tax receipt in respect of house No. 803 at Exh. 78
- 2. In addition to court notice, learned Advocate for the appellant to serve the respondents by private service and file service affidavit.
  - 3. Call for record and proceedings.
  - 4. Printing is dispensed with.
  - 5. Learned Advocate for the appellant shall file private paper book within one year from today.

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- 6. Rule on interim relief in terms of prayer clause (b) is made returnable on 28<sup>th</sup> February 2025.
- 7. In addition to court notice, learned Advocate for the applicant to serve the respondents by private service and file service affidavit before the next date.

8. Till next date ad-interim protection operating in the First Appeal and continued by order dated 30<sup>th</sup> July 2024 to continue.

**[GAURI GODSE, J.]**