



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.386 OF 2024

Swapnil S/o Ishwar Jarlle .Vs. Suresh S/o Jaikrishna Patil

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. Smita P. Deshpande, Advocate for petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 17/01/2024

1. Issue notice for final disposal to the respondent, returnable on **06.02.2024**.
2. The petitioner is permitted to serve the respondent by private mode, in addition to regular mode of service, including service on the learned lawyer appearing on behalf of the respondent before the trial Court and file affidavit of service by next date, failing which the petitioner shall deposit costs of Rupees Five Hundred with High Court Legal Services Sub-Committee, Nagpur.
3. The office objections, if any, be removed before the returnable date.
4. In the present matter, as there is an order of Tahsildar passed on 14.10.2021 holding that the petitioner is in possession of the land in question and despite the same,

the learned appellate Court has held that, the suit was filed in the year 2022 and there is no document to point out that on the date of the institution of the suit the plaintiff was in possession.

5. It appears that, the learned lower appellate Court has failed to appreciate the report of the Talathi dated 05.10.2020 filed before the Tahsildar, holding that, the plaintiff is in possession of the suit land.

6. In the circumstances, there shall be stay to the effect, operation and execution of the impugned common order below Exhs.5 and 14 dated 29.04.2023.

JUDGE