



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 208 OF 1997
WITH
CIVIL APPLICATION NO. 4635 OF 2024
IN SA/208/1997

M.S.R.T. Corporation Nanded.

....Appellant

VERSUS

Ganeshsingh S.@Shantaramsingh Thakur.

.....Respondent

.....
Advocate for Appellant : Smt. R. D. Reddy

Advocate for Respondents : Mr. B.V. Gadegaonkar h/f. Mr. Bagul Suraj
R.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 26TH MARCH, 2025.

P.C. :-

Present second appeal arises out of judgment and decree dated 20.7.1996 passed in RCA No. 10 of 1992 by which judgment and decree dated 30.11.1991 passed in RCS No. 792 of 1987 passed by the Civil Judge (S.D.), Nanded was reversed and suit of the plaintiff MSRTC was dismissed.

2. Initially, MSRTC filed a suit for recovery of possession of open plot admeasuring 3 feet x 6 feet, which is part and parcel of Survey No. 99. The trial court, decreed the suit and directed defendant to hand over possession of suit property to MSRTC. Aggrieved defendant, then approached the District Judge, Nanded, in RCA No. 10 of 1992. Said appeal came to be allowed by setting aside decree of trial court.

Eventually, suit was dismissed. Present second appeal is filed against aforesaid order.

3. This Second Appeal was admitted on 11.1.1999. It is placed for final hearing on today's board. Mrs. Ranjana Reddi, learned advocate for appellants, upon written instructions in the form of communication dated 25.3.2025, from the Divisional Controller, MSRTC submits that suit property was a Pan Shop and same has been removed during "Guruta Gaddi Programme", 2008 for purpose of road widening. The Plot under the shop is occupied by Municipal Corporation and road is constructed. In that view of the matter, she submits that the issue involved in present appeal remained academic and no decision is required.

4. Written communication dated 25.3.2025 is taken on record and marked "X" for identification. In view of aforesaid statement, second appeal stands disposed of. Civil application, if any, stands disposed off.

[S.G. CHAPALGAONKAR, J]

grt/-