



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION [CAS] NO.414/2025
IN SECOND APPEAL NO. 468/2019.

Smt. Rekha Nehrulal Bisen.

-VERSUS-

Kishorekumar Sharnagat and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri O.W. Gupta, Advocate for the Appellant.

Shri N.G. Jetha, Advocate for Respondents.

CORAM : ROHIT W. JOSHI, J.

DATE : MAY 02, 2025.

Heard.

2. The Second Appeal is admitted vide order dated 24.05.2025. The appellant has moved this Civil Application seeking injunction against respondents restraining them from effecting any construction on land bearing Gut No.194 of village Dongri, Tahsil Ramtek, District Nagpur, which is one of the suit property.

3. Respondents have filed reply dated 02.05.2025, wherein in paragraph no.3 it is stated that

the construction is coming up on house no.34 and not on house no.33. They have filed two certificates dated 29.04.2025 issued by the Sarpanch, Gut Gram Panchayat, Dongri.

4. The contention of Shri Jetha, learned Counsel for respondents is that construction is being made on house no.34, which is part of Gut No.194 but, it is not the suit property. According to him, House no.33 in Gut No.194 is the suit property. However, perusal of the plaint indicates that entire Gut No.194 is the subject matter of the suit. In that view of the matter, respondents are restrained from making any construction over Gut No.194 till the disposal of the Second Appeal.

5. The appellant is directed to file paper book of learned First Appellate Court on record within a period of four weeks. Filing of private paper book is dispensed with.

6. Civil Application is allowed and disposed of.

JUDGE