



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

Civil Application [CAS] No.957 of 2025
in
Second Appeal No.153 of 2025

Chandrashekhar s/o Kawaduji Shivankar vs. Sau. Mala w/o Yadaorao Jaiswani

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

Court's or Judge's Orders

Mr. N.S. Khubhalkar, Advocate for the Applicant/Appellant.

CORAM : **ROHIT W. JOSHI, J.**
DATE : **30th SEPTEMBER, 2025.**

Permission to amend the memorandum of appeal in order to incorporate proposed additional substantial question of law is granted.

02. The application is allowed and disposed of accordingly.

Second Appeal No.153 of 2025:

Heard.

02. Issue notice to the respondent on the following substantial question of law, returnable on **15th October, 2025.**

- *Whether a decree for removal of illegal construction in the form of encroachment over a public road can be passed without determining the extent of alleged encroachment?*

Civil Application [CAS] No.528/2025:

In view of notice being issued in the second appeal by framing a substantial question of law, the execution of the impugned decree is stayed till the returnable date.

JUDGE