



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

CIVIL APPLICATION (CAS) NO. 606 OF 2024

IN

SECOND APPEAL NO. 73 OF 2017

Sk. Lukman Sk. Raheman and others

Vs.

Ashokkumar Bhavarlal Purohit and others

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

Court's or Judge's Order

Shri Subham C. Jadhav h/f. Shri R. B. Dhore, Advocate for appellants.
Shri M. G. Sarda, Advocate for respondent no. 1 (through VC).
Shri S. B. Bissa, AGP for respondent/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 06.03.2025

Heard.

2. It is the contention of learned counsel for respondent no. 1 that the suit was for removal of encroachment, which came to be decreed and the decree was confirmed in the First Appeal against which the appellants/original defendants has filed the present Second Appeal. While admitting the appeal, stay to the execution of the decree was granted in favour of the appellants. However, the Highway Authority, on its own, removed the illegal construction. Therefore, nothing remained to be protected by way of the interim order and submitted that appropriate order be passed.

3. In wake of submission made above, the application is allowed and the interim order dated 14.03.2017 is hereby vacated.

4. The appellants are directed to make a statement, by filing affidavit on the next date of hearing, whether the appeal become infructuous or still survives.

5. It is to be noted that if the appellants fail to file the affidavit on the next date of hearing, the appeal shall be dismissed for want of non-compliance of this order.

6. Stand over to 20.03.2025.

(M. W. CHANDWANI, J.)