



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

SECOND APPEAL NO.13 OF 2025

- APPELLANTS** : 1. Ambadas Kisan Bhuyar,
Aged about 44 years, Occ-Agriculture,
2. Vitthal Kisan Bhuyar,
Aged about 39 years, Occ-Agriculture,
3. Dnyandeo Baban Ingle,
Through his legal heirs,
- 3a) Kamla Dnyandeo Ingle,
Aged about 61 years, Occ-Household,
- 3b) Santosh Dynandeo Ingle,
Aged about 43 years, Occ-Agriculturist,
- 3c) Ganesh Dynandeo Ingle,
Aged about 38 years, Occ-Agriculturist,
All R/o-Changephal, Tq. & Dist. Akola
- 3d) Sau. Sharda Ganesh Kale,
Aged about 41 years, Occ-Household, R/o- Tar File, Akola,
Dist. Akola.
- 3e) Sau. Suryakanta Keshavrao
Hinge, Aged about 37 years, Occ-Household, R/o-Tintrala,
Tq. Khamgaon, Dist. Buldhana
4. Baliram Baban Ingle,
Aged about 53 years, Occ-Agriculture,

5. Gajanan Baban Ingle,
Aged about 43 years, Occ-Agriculture,
6. Suryabhan Baban Ingle,
Aged about 43 years, Occ-Agriculture,
All R/o-Changephal, Tq. And Dist.
Akola.
7. Smt. Chandabai Baban Ingle,
Through her legal heirs,
 - 7i) Smt. DevkabaiRameshwarPagrut,
Aged about adult, Occ-
Household, R/o-Ghusar, Tq. And
Dist. Akola.
 - 7 ii) Onkar Baban Ingle,
Through his legal heirs,
 - 7ii-a) Pramila Sanjay More,
Aged adult, Occ-Household,
R/o-Khandala, Tq. Shegaon, Dist.
Buldhana
 - 7ii-b) Gangabai Satyabhan Khande,
Age-adult, Occ-Household,
R/o Rajanda, Tq. Barshitakli,
Dist. Akola.
 - 7ii-c) Smt. Rukhminibai Onkar Ingle,
Age-Adult, Occ-Household,
 - 7ii-d) BaldevOnkar Ingle,
Age- 51 years, Occ-Agriculture
8. Bhimrao Onkar Ingle
Aged about 56 years, Occ-Agriculture,
9. Vishwambhar Onkar Ingle,
Aged about 43 years, Occ-Agriculture,
All R/o- Changephal, Tq. And Dist.
Akola

... Original Defendants

..VERSUS..

- RESPONDENTS** : 1. Dnyandeo Ganpat Ingle,
Through its Legal Heirs,
- 1a) Smt. Vimalbai Dnyandeo Ingle,
Aged about 72 years, Occ-
Household, R/o-Changephal, Tq.
And Dist. Akola.
 - 1b) Sunil Dnyandeo Ingle,
(Deceased)
 - 1c) Sau. Sandhya Rajendra Kale,
Aged about 57 years, Occ-
Household, R/o Gadage Nagar,
Bhatkuli Road, Amravati, Dist.
Amravati
 - 1d) Sau. Vandana Prakash Kharode,
Aged about 55 years, Occ-
Household, R/o-Badnera, Dist.
Amravati.
 - 1e) Sau. Seema Santosh Gorle,
Aged about 52 years, Occ-
Household, R/o-Wadegaon
Fatehpur, Tq. Achalpur, Dist.
Amravati.
2. Sunil Dyandeo Ingle,
Through his Legal heirs,
- 2a) Smt. Ranjana Sunil Ingle, Aged
about 51 years, Occ-Household
 - 2b) Mayur Sunil Ingle, Aged about
31 years, Occ-Agriculture,
 - 2c) Shubham Sunil Ingle, Aged
about 30 years, Occ-Agriculture,
 - 2d) Akshay Sunil Ingle, Aged about

28 years, Occ-Agriculture,
All R/o-Changephal, Tq. And
Dist. Akola.

3. DigambarGanpat Ingle, Aged about 77 years, Occ-Agriculture,
4. Vishnu Ganpat Ingle,
Aged about 71 years, Occ-Agriculture,
Both R/o-Changephal, Tq. And Dist.
Akola.

...Original Plaintiffs

5. Smt.Bebabai Haribhau Hingne (dead),
Through legal heirs,
5-a) Haribhau Kashiram Hingne,
Aged about-65 years, occu-
Agriculturist,
5-b) Nilesh Haribhau Hingne, Aged
about 35 years, occu-Agriculturist,
5-c) Rajesh Haribhau Hingne, Aged
about 30 years, occu-Agriculturist,
5-d) Gopal Haribhau Hingne, Aged
about 27 years, Occu-Agriculturist,
5-e) Rameshwar Haribhau Hingne,
Aged about 25 years, occu-
Agriculturist,
All R/o Tintrav, Tq. Shegaon, Dist.
Buldhana.

Mr. A. R. Deshpande, Advocate for appellants.

Mr. A. S. Tiwari, Advocate for respondent Nos.5A to 5E.

Mr. M. G. Sarda, Advocate for respondent No.1(a), 1©, 1(D), 1(E) and
2(a to d), 3 and 4.

CORAM : ROHIT W. JOSHI, J.

DATE : 04.03.2026

J U D G M E N T :

1) Learned advocate for the appellants contends that the First Appeal was decided on merits without service of notice to respondent Nos.2, 3-d, 3-e, 7-ii-a, 7-ii-b, 7-ii-c, who are appellant Nos.2, 3d, 3e, 7ii-a, 7 ii-b in the present appeal.

2) Vide order dated 22.01.2026, record and proceedings were called. On perusal of the record and proceedings, learned advocate for respondent Nos.1 to 4 and learned advocate for respondent No.5A to 5E do not dispute that the aforesaid respondents were not served in the Regular Civil Appeal.

3) In view of the above, the appeal is admitted on the following substantial question of law:-

I. Whether the impugned judgment passed by the learned First Appellate Court is sustainable specially when the same is passed without service of notice of First Appeal upon some of the respondents in First Appeal i.e. respondent Nos.2, 3-d, 3-e, 7-ii-a, 7-ii-b, 7-ii-c

who are appellant Nos.2, 3d, 3e, 7ii-a, 7 ii-b in the present appeal ?

4) At the joint request of the parties, the appeal is taken up for final hearing forthwith.

5) In view of the concession by learned advocates for respondents that the appeal was in fact decided without notice to the respondents in the first appeal whose numbers enumerated in the aforesaid substantial question of law is answered in favour of appellants. The First Appeal will have to be remanded for decision afresh. Learned First Appellate Court is requested to make endeavor to decide the appeal at the earliest, having regard to the fact that the appeal was filed in the year 2023 and the dispute pertain to right of way of agriculturists. Second Appeal is **allowed** in the following terms:-

I. Judgment and decree dated 06.05.2024, passed by the learned District Judge-3, Akola in Regular Civil Appeal No.174 of 2023 is quashed and set aside.

II. The learned First Appellate Court is requested to decide the appeal expeditiously and if possible

before **31.03.2027**.

III. Parties shall appear before the learned First Appellate Court on **04.04.2026**.

IV. Parties to note that separate notice for appearance will not be issued.

V. Parties to bear their own costs.

(ROHIT W. JOSHI, J.)

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