



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

SECOND APPEAL NO.150/2024

Ramesh Shamraoji Thakare

...Versus...

State of Maharashtra through Collector, Yavatmal Tq. And Distt. Yavatmal & others

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

Court's or Judge's orders

Mr. A.S. Deshpande, Advocate for appellant
 Mr. H.D. Dubey, AGP for respondent No.1
 Mr. S.C. Bhalerao, Advocate for respondent No.4

CORAM : ROHIT W. JOSHI, J.

DATE : 09/03/2026

1. **ADMIT** on the following substantial question of law :-

Whether learned Courts were right in dismissing the suit filed by the appellant/plaintiff on the ground that it was barred by limitation, inasmuch as it was filed after a period of one year from the date of order passed by the Tahsildar under Section 143 of the Maharashtra Land Revenue Code, 1966 when the appellant was not a party to the said proceeding ?

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2. Although the present appellant was not a party to the proceeding filed before the Tahsildar, it is not in dispute that his son was indeed a party to the proceeding. It is not the case that the appellant-father and his son are not in talking terms. Regular Civil Suit No.37/2013 filed by the son and nephew of the plaintiff with respect to the subject road is dismissed by the learned Civil Judge, Junior Division, Digra

vide judgment and decree dated 19/06/2017. It is also not in dispute that the respondents are using the road in question for approaching their respective agricultural land.

3. Mr. Deshpande, learned Advocate for the appellant draws attention to the judgment and decree dated 21/09/2013, passed by the learned District Judge- 1, Darwha in Regular Civil Appeal No.180/2004 to contend that in the said appeal, order of injunction was granted in favour of the present appellant and his son Narendra with respect to the subject road.

4. Mr. Bhalerao, learned Advocate for the respondent No.4 draws attention to paragraph 17 in the judgment of the learned Appellate Court and states that this judgment is considered by the learned Trial Court while decreeing the suit.

5. Having regard to the fact that the respondents are using the road for approaching their respective agricultural lands and the judgment passed by the learned Appellate Court in Regular Civil Appeal No.180/2004 is taken into consideration by the learned Trial Court, Civil Application for grant of temporary injunction is rejected.

6. The respondents will be entitled to use the said road for approaching their respective agricultural lands, as decreed by the learned Trial Court, till the final disposal of appeal.

(ROHIT W. JOSHI, J.)