



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

SECOND APPEAL NO.257/2025

Shobha Sureshchandra Bhutada and another
...Versus...
Sunil Premraj Taori and others

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

Court's or Judge's orders

Mr. P.K. Mohta, Mr. H.S. Chawhan and Mr. P.N. Dhoot, Advocates for appellants
Mr. P.L. Sagdeo, Advocate for respondent No.1
Mr. V.B. Bhise & P.V. Dabrey, Advocates for respondent Nos.2 and 3

CORAM : ROHIT W. JOSHI, J.

DATE : 29/01/2026

1. The appellants are the original plaintiffs. Regular Civil Suit No.54/2009 filed by them initially came to be decreed by the learned Trial Court. However, on remand by the learned first Appellate Court in appeal filed by the respondents, the suit was decided again by the judgment and decree dated 21/03/2016, whereby the learned Trial Court directed both the parties to measure their own plots along with suit plot in order to ascertain the exact measurement and identification of the respective plots and till completion of the said exercise, the defendants/respondents were restrained from causing any obstruction to the possession of the plaintiff over the suit property and for making further construction thereon.

2. The respondent No.1 preferred appeal challenging the decree being Regular Civil Appeal No.34/2016, which came to be allowed by the learned Ad hoc District Judge-1,

Khamgaon vide judgment and decree dated 14/08/2024, with the result the judgment and decree passed by the learned Trial Court came to be quashed and set aside. The plaintiffs have filed present second appeal challenging the said decree passed by the learned first Appellate Court.

3. Learned Advocates jointly state that parties have agreed for measurement of Gat No.203 at village Warvat Bakal Tq. Sangrampur, District Buldhana, in which plots of plaintiffs and respondents are situated for the purpose of fixation of boundaries and determination of encroachment, if any, and that the appellants/plaintiffs shall bear the cost for the same.

4. In view of the aforesaid, second appeal is disposed of without framing substantial question of law, permitting the appellants to get measurement of the aforesaid Gat No.203 of village Warvat Bakal Tq. Sangrampur, District Buldhana done at their own costs.

5. Parties agree that without prejudice to their right to challenge the measurement, they shall abide by the measurement report.

(ROHIT W. JOSHI, J.)