

MHAH130008042019



**BEFORE THE DISTRICT JUDGE - 2, NEWASA
TALUKA : NEWASA, DISTRICT : AHMEDNAGAR.**

ORDER ON EXH.20. IN RCA NO.36/2019

Sahebrao Bharshankar

Vs.

Charlas Pandit

1. This application is filed by appellant (original defendant No.1) for remand of the suit RCS No.149/2016 (RCS No.634/2011).
2. The ground mentioned for remand in this application is that RCS No.57/2008 is remanded for fresh trial.
3. Ld. Advocate for appellant argued that RCS No.57/2008 is posted for trial in the Court of 4th Joint Civil Judge Junior Division, Newasa.
4. Present appeal is against Judgment and Order in RCS No.149/2016 dated 10/10/2019.
5. RCS No.57/2008 was filed by Savita wife of Charles Pandit, with her daughters and son, against Charles Pandit, Sahebrao Bharshankar, Nalini Sahebrao

Bharshankar.

6. RCS No.57/2008 was filed for partition and separate possession of suit property with contention that Charles Pandit has made unregistered document in favour of Sahebrao Bharshankar for 2R land out of land in suit property.

7. RCS No.57/2008 was dismissed on 01/07/2009. Reg. Civil Appeal No.3/2016 was decided on 27/11/2018 and RCS No.57/2008 was remanded for trial.

8. RCS No.149/2016 is filed by Charles Pandit against Sahebrao Bharshankar and Nalini Bharshankar for perpetual injunction.

9. Sahebrao Bharshankar and Nalini Bharshankar had filed counter claim for perpetual injunction. During pendency of suit, Nalini Bharshankar died.

10. By the Judgment and Decree dated 10/10/2019 RCS No.149/2016 is decreed. Sahebrao Bharshankar is restrained from causing obstruction and interference in possession of plaintiff over the suit property. Counter claim of Sahebrao Bharshankar is dismissed.

11. In short, it is contention of Charles Pandit that he is in possession of entire suit property i.e. 32R land in

block no.58/1A of village Kangoni. In short, it is case of Sahebrao Bharshankar that he has purchased 2R land out of 32R land in block No.58/1A and constructed house on that 2R land.

12. Ld. Advocate for appellant has urged to remand the matter. However, nothing is stated on behalf of appellant if any trial is necessary in RCS No.149/2016. Nothing is stated that any witness is necessary to be examined. Nothing is stated that any issue is required to be framed.

13. A suit can be remanded after reversing decree if retrial is considered necessary. It is absolutely not necessary that RCS No. 149/2016 should remain pending in the Court where RCS No. 57/2008 is pending.

13. RCS No. 149/2016 is simplicitor suit for injunction. RCS No.57/2008 is for partition and separate possession. If RCS No. 149/2016 is remanded, no purpose will be served. It will be proper to reject this application. Hence, this application is rejected. .

Date :- 19/09/2025

[R. R. Hastekar]
District Judge – 2 Newasa
Dist. Ahmednagar

