

MHLA11-001021-2017

Order below application vide Exh.91 in RCS No.411/2017
Vasant Vs. C.E.O. and Anr.

Perused contents of the application and say thereon. Heard to learned advocates for the parties. They submitted contents of application and say thereon respectively. Perused the record.

2. By this application, the plaintiff is seeking to issue No.1 i.e. “Does plaintiff prove that he is owner and possessor of suit property by virtue of sale-deed dated 26.05.2010 registered at Sr. No. 2263/2010?” on the ground that it is irrelevant in the present suit. The defendant contended that the relief sought for he is relating to the suit plot. The defendants denied the plaintiffs’ ownership and possession over the suit plot. Unless, ownership is proved, the plaintiff cannot claim other and ancillary relief. Aforesaid issue is correct. Therefore, the defendant prayed to reject the application.

3. Rival pleadings reveal that the plaintiff is claiming his ownership on the basis of sale-deed bearing registration of 2263/2010. The defendants denied validity of such sale-deed. The defendant denied the plaintiff’s ownership to the suit property. The suit is for perpetual injunction restraining the defendant from demolishing the construction and causing the obstruction to the plaintiff’s possession as well as declaration that notice issued by defendant No.1 is invalid. Considering aforesaid

facts, rival pleadings and the reliefs sought for having issue regarding ownership as aforesaid would be just and proper to decide the real controversies between the parties finally on merits. In such circumstances, having such issue would not cause prejudice to the plaintiff. Hence, the present application is disposed off.

Date :09/12/2025	(R. V. Pande)
Place: Nilanga	Civil Judge, Senior Division, Nilanga,
	District Latur.