

RCA No. 41/2017
Swapnil Pandurang Sutar.
Vs.
Appasaheb Ravaji Sutar

Order below Exh. 49

1. Perused the application, affidavit of appellant, say of respondent (Exh.52) and the Sugar Factory (Exh.54).
2. Appellant has contended that the suit property bearing Gat No. 1739/A admeasuring 50 R is in his possession. In view of order dated 06/11/2017 the respondent is temporarily restrained from obstructing his possession till disposal of appeal. He is taking sugar cane in the suit property. He has approached Hutatma Kisan Ahir Co-operative Sugar Factory, Walwa for registering sugar cane crop in the suit property in his name. However, the sugar factory has refused the same. Therefore, he prayed that application may be allowed.
3. On the other hand respondent has strongly resisted the application by filing say. He has contended that appellant was and is not in possession of suit property. The sugar cane in the suit property was and is not sent in his name. He has filed false application with intention to harass the respondent. Hence respondent prayed that application may be rejected.
4. The Managing Director of Hutatma Kisan Ahir Co-operative Sugar Factory, Walwa submitted that matter is sub judice in respect of suit property. Appellant has not submitted 7x12 extract alongwith his application for registering sugar cane in suit property in his name. So it is not just and proper to register the sugar cane crop without verifying the 7x12 extract.
5. Heard learned advocate of both the parties.
6. On perusal of record it appears that name of appellant is not mutated to the 7x12 extract of suit property. It appears from the say of

the Sugar Factory (Exh.54) that sugar cane crop cannot be registering without verifying the name of appellant on the 7x12 extract of suit property. In the peculiar circumstances of the case, it does not appear to be just and proper to direct the Sugar Factory to register the sugar cane crop cultivated in the suit property.

7. Taking into consideration the facts of the case and above reasons, it is not just and proper to allow the application. Therefore, the application is liable to be rejected. Hence, I proceed to pass following order.

:ORDER:

1. Application (Exh.49) is rejected.
2. No order as to costs.

Sd/-

(Rajshri P. Pardeshi)

Date : 22/12/2021

District Judge 2, Islampur.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer	:	Shri B.M.Patil, steno, Gr.I
Court Name	:	Dist. Judge – 2 & Addl. Sessions Judge, Islampur.
Date	:	22/12/2021
Signed by P.O. on	:	22/12/2021
Uploaded on	:	22/12/2021