

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.252 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.PN.Joshi for the appellant

**CORAM : K.K.TATED, J.**  
**DATED : 07/09/2015**

**PC:**

1 Heard the learned counsel for the appellant.

2 This Second Appeal is preferred by plaintiff challenging the decree dated 30.7.2014 passed by appellate court in Regular Civil Appeal No.14 of 2003..

3 The learned counsel for the appellant submits that the appellate court erred in coming to the conclusion that the land bearing Gut No.211 was exclusive property of defendant no.1.

4 Considering the submissions made by the learned counsel for the plaintiff and the observation made by the appellate court in paragraph 37, I am satisfied that the Appellant has made out a case for issuing notice before admission to the respondent. Hence,

following order is passed:

- a) Office is directed to issue notice before admission to the respondent, returnable after 12 weeks.
- b) In addition to usual mode of service, appellant is permitted to serve respondents by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.
- c) In the meanwhile, appellant is directed to place on record photocopy of paper book in Regular Civil Appeal No.14 of 2003.

**(K.K.TATED, J.)**

**CERTIFICATE**

Certified to be true and correct copy of the original signed order.