

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

**CIVIL REVISION APPLICATION NO.715 OF 2016**

Dr. Sou. Vijaya Shrikant Budhe .. Applicant

vs.

Mangala Irogonda Patil and Ors. .. Respondents

**WITH**

**CIVIL REVISION APPLICATION NO.536 OF 2016**

Mangala Irogonda Patil and Ors. .. Applicants

vs.

Dr. Sou. Vijaya Shrikant Budhe and Anr. .. Respondents

Ms. Neeta Karnik for the applicant in CRA No.715 of 2016 and for respondent in CRA No.536 of 2016

Mr. S.S. Patwardhan for the applicant in CRA No.536 of 2016 and for respondent nos.1 to 4 in CRA No.715 of 2016

**CORAM: K.K. TATED, J  
DATED : JANUARY 31, 2019**

**P.C. :**

1 Heard.

2 By Civil Revision Application No.536 of 2016 original defendant no.1 challenges the judgment and decree dated 09.08.2016 passed by learned Civil Judge, Senior Division, Palghar in Special Civil Suit No. 59 of 2009 under section 6 of the

Specific Relief Act, directing Applicant Mangala Irogonda Patil to hand over possession of the Omkar Petrol Pump situated at junction of Mahim-Manor Road and Palghar-Boisar road on the plot of land bearing Survey No.35, Hissa No.1, part of village Palghar, Tal.Palghar, Dist. Thane.

3 The learned counsel for the original defendant submits that during the pendency of the present proceeding, original owner of the suit property Lingappa Magdum sold plot of land to Abhay Singh Ganpatrao Ghorpade by sale deed dated 19.06.2014. He further submits that during the pendency of the present proceeding, Indian Oil already removed petrol tanks and other things which was their property. He submits that as on today neither defendant is in possession of the suit property nor petrol pump.

4 Considering the subsequent development, both the Civil Revision Applications are required to be heard on its own merits. Hence, following order is passed:

- a) Civil Revision Application Nos.715 of 2016 and 536 of 2016 are admitted.
- b) The learned counsel for the Respondent waives service.
- c) Hearing of both the Civil Revision Applications are expedited.

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