

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.2461/2001

LAXMAN NAMDEO LONDHE

Appellant (s)

VERSUS

YASHODABAI DATTATRAYA LONARE & ORS.

Respondent (s)

(Prayer for interim relief)

Date : 07/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Appellant (s) M/s Sanjay K.Visen,Manoj Mishra,Advs.
Mr. A.S. Bhasme,Adv.

For Respondent (s) Mr.VN Ganpule,Sr.Adv.
Mrs.Punam Kumari,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.....R
.SP2

Heard the learned counsel for the parties.

On 26th March, 2001 we passed an interim order directing the parties to maintain status quo. From the counter affidavit and the annexures thereto it appears that the possession of the land in dispute was taken by the respondent through the court's bailiff.

However, the learned counsel for the petitioner contends that it is only a paper possession and that the petitioner continues to be in possession of the land. The learned counsel for the respondent brought to our notice that pursuant to the taking of the possession on 22nd

2

February, 2001 the mutation was also affected in the revenue records in the month of June, 2001. We are surprised to hear this. In the face of the said interim order to maintain status quo the revenue authorities ought not to have mutated the name of the respondent in the revenue records, even if the possession was taken on 22nd February, 2001. In these circumstances, we are not inclined to continue the interim order passed on 26th March, 2001. It is accordingly vacated. All steps taken pursuant to the order under challenge, will be subject to the final order that may be passed on the appeal.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
Court Master