

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2327 OF 2000

RAMKISHAN P. SHINDE

.....APPELLANT(S)

VERSUS

NADIM S. MAQDUMSAHEB & ORS

...RESPONDENT(S)

O R D E R

Heard learned counsel for the respective parties.

We have perused the order passed by the High Court which is impugned in this appeal. The High Court on a detailed consideration of the entire material placed before it came to the conclusion that Mohd. Abdul Latif was a restricted owner of the suit property and he derived this status by way of a compromise decree passed in Regular Civil Suit No.166 of 1960 and that the revenue authorities had already acted upon this decree. As rightly pointed out by the High Court, a person who was not a party to the decree was an alien to the decree and he could not question the status of the restricted owner specially when he had admittedly cultivated the suit land only for one year i.e. 1965-1966. The High Court for the reasons recorded in its judgment allowed the Writ Petition and set aside the order passed by the Deputy Collector as grossly erroneous and hence that cannot be relied upon and considered in favour of the appellant herein. The

High Court, in our opinion, has rightly allowed the Writ Petition filed by the respondent

herein and also set aside the order passed by the Deputy Collector dt.17.02.1993 and the order passed by the Maharashtra Revenue Tribunal on 18.12.1996. No ground is made out by the appellant for any interference with the well-considered order passed by the High Court. The appeal is accordingly dismissed. There shall be no order as to costs.

.....J.

(Dr.AR.LAKSHMANAN)

.....J.

(A.K.MATHUR)

NEW DELHI ;

SEPTEMBER 19, 2006.

ITEM NO.106

COURT NO.9

SECTION IX

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

RECORD OF PROCEEDINGS

CI
VIL APPEAL NO(s). 2327 OF 2000

RAMKISHAN P. SHINDE

Appellant (s)

VERSUS

NADIM S. MAQDUMSAHEB & ORS

Respondent(s)

Date: 19/09/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE A.K.MATHUR

For Appellant(s)

Mr.Sushil Karanjkar, Adv.

Dr. Nafis A. Siddiqui, Adv.

For Respondent(s)

Mr.Shridhar Y.Chitale, Adv.

Mr.Anil Mishra, Adv.

Mr.Abhijat P.Medh, Adv.

Mrs V.D. Khanna, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

There shall be no order as to costs.

(Satish K. Yadav)

Court Master

(Phoolan Wati Arora)

Court Master

(Signed order is placed on the file)