

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

Petition for Special Leave to Appeal (Civil) No.19385/2012
(From the judgment and order dated 22/03/2012 in WP No.2279/2012 of The
HIGH COURT OF BOMBAY)

SHOBNABEN SURESH KUMAR THAKKAR & ORS. Petitioner(s)

VERSUS

ZAHIDA N.JALAL & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 16/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. Nagendra Rai, Sr. Adv.
Mr. Shantanu Sagar, Adv.
for Mr. T. Mahipal, Adv.

For Respondent(s) Mr. R.S. Mohite, Adv.
for4 Mr. Sanjay Kumar Tyagi, Adv.

Mr. Vinay Navare, Adv.
Mr. Keshav Ranjan, Adv.
Mr. Satyajeet Kumar, Adv.
Ms. Abha R. Sharma ,Adv

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

We have perused the site plan, which has been attached with
the special leave petition at Annexure P-3.

Mr. R.S. Mohite, learned counsel appearing for respondents
Nos. 1 to 7, has submitted that the claim of the petitioners for
easement can only be limited to 'rasta' within City Survey

...2/-

:2:

No.3342. Respondents Nos. 1 to 7 are the owners of the property
comprising City Survey Nos. 3343 and 3344. Therefore, the
petitioners can not possibly claim any easement rights over the
aforesaid two Survey Numbers.

We are inclined to accept the submission made by Mr.
Mohite. The property of respondents Nos. 1 to 7 have been
rightly held by the High Court to have no connection with the
easement which was enjoyed by the petitioners through the
property of respondent No.8 to the limited to the 'rasta' within
City Survey No.3342. The special leave petition is dismissed
accordingly.

| (VINOD LAKHINA)
| COURT MASTER

| | (INDU BALA KAPUR)
| | COURT MASTER

|