

ITEM NO.10

COURT NO.7

SECTION IX

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

Petition(s) for Special Leave to Appeal (Civil) No(s).30134/2008

(From the judgement and order dated 14/08/2008 in WP No.1893/1993,MCA No.238/2008 of The HIGH COURT OF BOMBAY AT NAGPUR)

VIJAY PRAHLAD UMALE & ORS.

Petitioner(s)

VERSUS

LAXMIKANT RANGANATH WADODKAR & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., permission to place addl. documents on record and prayer for interim relief and office report)

WITH SLP(C) NO. 5313 of 2009

(With appln(s) for permission to place addl. documents on record, exemption from filing c/c of the impugned judgment and office report)

Date: 11/12/2012 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr. Sudhanshu S.Choudhari, Adv.

For Respondent(s) Mr. P.G. Godamgaonkar, Adv.
Mr. Sanjay V. Kharde, Adv.
Ms. Asha Gopalan Nair, Adv.

Mr. Aarohi Bhalla, Adv.
Mr. Shishir Deshpande, Adv.
For Ms. Sujata Kurdukar, Adv.

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

We have heard learned counsel for the parties to the lis and carefully perused the judgment and order passed by the High Court in the Writ Petition No. 1893 of 1993, dated 18.06.2007, the impugned judgment and order passed by the High Court, dated 14.08.2008, and the earlier orders passed by the Maharashtra Revenue Tribunal, Nagpur and Sub-Divisional Officer, Jalgaon. We have also taken note of the conduct of the petitioners in unnecessarily dragging the proceedings for over two decades by not delivering the possession of the suit lands to the respondents

In view of the aforesaid, we are of the considered opinion that the High Court, while passing the impugned judgment and order in Misc. Civil Application No 238 of 2008 in Writ Petition No. 1893 of 1993, has not committed any mistake or error which would call for our interference. Therefore, we dismiss the special leave petitions.

We add, if, for any reason, the petitioners are still in possession of the suit lands, i.e., agricultural land in Survey No. 3/2, Gat No. 9, measuring 2-02 Hectares and Survey No. 35/5, Gat No. 95 measuring 2-58 Hectares situated at Patan Tahsil Jalagaon (Jamod), Dist. Buldhana, Maharashtra, they may continue their possession for a further period of one year from today and thereafter hand over the

possession of the aforesaid lands to the respondents on or before 10.12.2013. The Petitioners shall file an appropriate undertaking to this effect before this Court within two weeks from today. If, for any reason, the respondents are in possession of the property as of today, the petitioners shall not disturb the respondents of such possession.

Ordered accordingly.

(NAVEEN KUMAR)
COURT MASTER

(VINOD KULVI)
COURT MASTER