

ITEM NO.15                      Court 7 (Video Conferencing)                      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 (C) No(s). 7064/2021

(Arising out of impugned final judgment and order dated 10-03-2021 in CRAFT No. 21054/2019 passed by the High Court Of Judicature At Bombay)

RANJAN BHAUSAHEB DOMBE                      Petitioner(s)

VERSUS

MAHESH DEVIDAS SATHE & ORS.                      Respondent(s)

(FOR ADMISSION and I.R. and IA No.62256/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.62257/2021-EXEMPTION FROM FILING O.T. )

Date : 01-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)      Mr. Makrand Adkar, Adv.  
                                    Mr. Kailas Bajirao Autade, AOR  
                                    Ms. Sheetal Patil, Adv.

For Respondent(s)

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

The petitioner purchased the suit land by a registered sale deed on 23.10.2008. The suit was filed by the respondent in the year 2013 on the ground that the non-agriculture permission was obtained by the petitioner and that is the cause of action for filing the suit. The suit has been filed merely for declaration of title.

Learned counsel for the petitioner submits that both the impugned orders do not take cognizance of these important facts while dismissing the application of the petitioner

for rejection of the plaint. He further submits that a mere suit of declaration of ownership without possession would not be maintainable and that in fact prayer for cancellation of the sale deed in favour of the petitioner and for possession was required to be made - [*Ram Saran & Anr. v. Smt. Ganga Devi* - (1973) 2 SCC 60] at page 28. It is his statement that in the small locality everyone knows the transaction which is going on and the petitioner developed plots thereafter. The suit is stated to be at a preliminary stage even after eight years and issues have not been framed.

Issue notice on the Special Leave Petition as well as on the interim prayer returnable on 26.07.2021.

Dasti as well.

[ASHA SUNDRIYAL]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)