

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). 15194/2020

(Arising out of impugned final judgment and order dated 21-01-2020 in SA No. 297/2018 passed by the High Court of Judicature at Bombay)

MADHUKAR MORESHWAR GHARAT

Petitioner(s)

VERSUS

HARISHCHANDRA MORESHWAR GHARAT & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 11-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Ajit S.Bhasme, Sr. Adv.  
Mr. Pankaj Kumar Mishra, AOR

For Respondent(s)

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

Heard learned senior counsel for the petitioner.

We are not inclined to interfere with the impugned order in view of the findings recorded by the Civil Judge, Junior Division in the judgment dated 4th November, 2011 to the effect that the present petitioner - who was defendant No.1, and his brother-the plaintiff would have half share each in the suit property 3B i.e., Survey No.391. It further records that the decree be sent to the Collector, Distt. Raigad, vide Section 54 of

the Code of Civil Procedure to effect partition of the suit agricultural land 3B and to put the plaintiff in possession of his half share in accordance with law. The findings and decree were affirmed by the Principal District Judge, Raigad vide judgment dated 2<sup>nd</sup> February, 2018.

Learned senior counsel appearing for the petitioner before us in fact does not dispute that the petitioner's brother, i.e., the plaintiff, before the trial Court, will be entitled to half share as a tenant.

Recording the aforesaid, we dismiss the present Special Leave Petition.

Pending application, if any, shall also stand disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(KAMLESH RAWAT)  
COURT MASTER