

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 4350/2019

(Arising out of impugned final judgment and order dated 02-11-2018 in WP No. 10468/2017 and 23-01-2019 in RP (Stamp) No.179/2019 passed by the High Court Of Judicature At Bombay)

MUNCHERJI NUSSERWANJI CAMA

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No.31391/2019-CONDONATION OF DELAY IN FILING and IA No.31393/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 25-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.
Mr. Aayush Agarwala, Adv.
Mr. Y. Ghoghari, Adv.
Mr. Pratik V. Shah, Adv.
Mr. Pramod B. Agarwala, AOR

For Respondent(s)

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

Delay condoned.

Heard learned counsel for the petitioner.

Considering the fact that the petitioner has already filed a suit in the Court of Civil Judge, Sr. Division, Satara for declaration and consequential reliefs, we dispose of this Special Leave Petition by making it clear that none of the observations made in the impugned judgment will come in the way of the petitioner to pursue the claim set up in the suit pending before

the Civil Judge, Sr. Division, Satara.

We further make it clear that the status of the land in question - whether it is freehold or leasehold - as well as the correctness of the site plan relied upon by the Department, shall also be considered on their own merits in the said suit; and be uninfluenced by any of the observations made by the High Court in the Writ Petition, being disputed questions of fact.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)