

Jajaba Shankar Jadhav (dead) by Lrs. and Others

Vs

Shankarrao Yadavrao Jadhav and Others

Civil Appeal No. 233 of 1987

(M.P. Thakkar, K.N. Singh JJ)

02.02.1988

(Record of proceedings)

ORDER

We are told that insofar as large part of the land in dispute, namely, land comprised in Survey No. 266 admeasuring 12 acres 24 gunthas is concerned, it was originally Patilki-Vatan tenure. This Vatan has been abolished by the relevant Vatan Abolition Act in 1962. The land has, therefor, vested unto the State in 1962. It will be re-granted to whosoever is entitled to such re-grant in accordance with the relevant Abolition Act. It is stated before us that re-grant has been made in favour of the appellants but the respondents have carried an appeal and the appeal is ending before the competent authority. Till the question of re-grant is determined it will not be possible to dispose of this appeal effectively. It may be stated that so far as respondents 3-10 are concerned, they claim to have a one third share in this land by virtue of sale deed dated November 10, 1964. On the date the land was vested unto the State and the vendor was not the owner. Whatever rights, if any, they have acquired under the sale deed, may possibly be exercised if available under the law against the vendor if a re-grant is made in this favour. In this state of affairs it will not be possible to dispose of this appeal at present though it was fixed for final disposal as per the earlier order. Under the circumstances the matter will stand adjourned for one year. The matter will be listed in the first week of February 1989. At that point of time, in the light of the final order in regard to re-grant, the court may be in a position to dispose of the appeal. It will be open to the respondents to request the competent authority to expedite the hearing of the appeal preferred by them. Order accordingly.

Court Master

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