

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.214 OF 2012

1. Bapu Aba Dhaigude,
since deceased, by heirs
1A. Smt. Chaturabai Bapu Dhaigude
& others Appellants
Vs.
1. Smt. Narmadabai Dhondiba
Dhaigude & Others Respondents

Shri V.S. Talkute for the Appellants.
None for the Respondents.

CORAM: RAVI K. DESHPANDE, J.

DATED: JULY 13, 2015

P.C:

The Trial Court dismissed the suit filed by the plaintiff for redemption of mortgage holding that the transaction evidenced by the Deed at Exhibit-78, dated 25-7-1949, was a sale with condition of repurchase, and in para 14 of the decision of the Appellate Court it is held that the recitals of Exhibit-78 do not speak about any debtor-creditor relationship and the plaintiff has failed to get the suit property re-conveyed within the stipulated period of seven years. The father of the defendant, therefore, became absolute owner of the suit property, after the

lapse of seven years from 25-7-1949. The finding is based upon the evidence brought on record and it does not give rise to any substantial question of law. The Second Appeal is dismissed.

(RAVI K. DESHPANDE, J.)