

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
(Civil Appellate Jurisdiction)

SECOND APPEAL NO. 517 of 2011

(Bajirao Ganapati More & anr.	Appellants
Versus	
Vasant Rau Sutar & ors	Respondents)

Mr. Amit B. Borkar Advocate for appellants
Mr. Omkar Nagwekar, Advocate, I/b Ms Prabha
Badadare, Advocate, for Respondents.

CORAM : R.K.Deshpande, J.
DATED : 10th AUGUST, 2015.

P.C.

Heard the learned counsels appearing for
the parties on merits of the matter.

The dispute in the second appeal pertains
to Survey No. 385, in respect of which the trial Court
recorded the finding that the plaintiff has
established his possession over the suit property
and relief of permanent injunction restraining the
defendants from interfering with the possession of
the plaintiff was granted. The lower appellate Court
has dismissed the appeal and hence, this second
appeal by the original defendant nos. 1 and 2.

The appellants/defendants relied upon the

sale deed of the year 1944, which was produced on record. The Courts below have recorded the finding in respect of Survey No. 448 and not Survey No. 385, which is the suit property. The Courts below have relied upon the Property Card indicating the name of the plaintiff as the owner of the suit property. The sale deed relied upon was executed by the predecessor in title of the plaintiff. In the absence of sale of Survey No. 385 in favour of the appellants/defendant nos. 1 and 2, no substantial question of law arises for consideration. The second appeal is dismissed.

(R.K.DESHPANDE, J.)

Rvjalit