

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.433 OF 2013

Shri Suryaji Anna Atigre .. Appellant.
V/s
Shri Balu Babu Khodbale & Ors. .. Respondents.

Mr. S.S. Patwardhan, for the Appellant.
Mr. Kedar P Lad, for the Respondents.

**CORAM : RAVI K. DESHPANDE, J.
DATED : 14th JULY, 2015**

P.C.

1. The Special Civil Suit No. 97 of 2006 challenged the sale deed dated 19.09.2006 as null and void and not binding upon the plaintiff and for possession of 1/3 share in respect of the property sold, was claimed. The plaintiff also claimed the permanent injunction restraining the defendants from interfering with the possession over the house property. The suit was dismissed by the Trial court on 31st December, 2008. The Regular Civil Appeal No.12 of 2009 is dismissed by the Lower Appellate court

on 6th October, 2009. Hence, the plaintiff is before this Court.

2. The Courts below have held that the respondent No.5 has sold the property to the respondent Nos. 1 and 2 for legal necessity. In paragraph-45, the Lower Appellate court held that the appellant is in possession of three rooms, but he did not claim any partition of the house property. Hence, there cannot be a permanent injunction against the co-owners in respect of the sale property. No substantial question of law arises for consideration of this Court. Hence, the Second Appeal is dismissed.

(RAVI K. DESHPANDE, J.)