

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

SECOND APPEAL NO. 511 OF 2013

(Sidram Chandrakant Kanade Appellant
versus
Hirasing Umraosingh Pawar
since deceased by Legal heirs Respondents)

Mr. Ashok B. Tajane, Advocate for appellant
Mr. S.S.Shah, Advocate, for respondents.

CORAM : R.K.Deshpande, J.
DATED : 22nd JUNE, 2015.

P.C.

The trial Court passed a decree for eviction and possession after holding that the appellant-defendant is a tress-passer in the suit property.

The contention of the appellant-defendant was that he was nephew of one Bapu Kanade who was the tenant of the respondent in respect of the suit property, who died on 22.07.1990. The appellant-defendant claimed that he was in possession of the suit property as a tenant being the member of the family of said Bapu Kanade.

Both the Courts below have taken into consideration the oral as well as documentary evidence placed on record. The contention of the

learned counsel for the appellant is that the Courts below have not appreciated the evidence properly.

In my view, this cannot be a substantial question of law. The concurrent findings recorded by the Courts below that the appellant-defendant has failed to establish that he was the tenant and in possession of the suit property, is based upon the evidence available on record. No perversity is found in the findings recorded by the Courts below. The second appeal is dismissed.

At this stage, the learned counsel for the appellant seeks extension of interim order by a further period of six weeks.

I do not find any reason to grant such request. The prayer is rejected.

(R.K.DESHPANDE, J.)