

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

**SECOND APPEAL NO.1115 OF 2004**

*(Kumar Kondiba Awale Vs. Jackson Subrao Awale)*

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.

Court's or Judge's orders.

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*Shri Anilkumar Patil, Advocate for Appellant.*  
*None for Respondent.*

**CORAM: R.K. DESHPANDE, J.**

**DATE: 13<sup>th</sup> JULY, 2015.**

Regular Civil Suit No.57 of 1999 for recovery of possession of the suit property from defendant was decreed by the Trial Court on 25.06.1992. Regular Civil Appeal No.477 of 1992 preferred by the defendant has been dismissed on 21.11.2002. Hence, this Second Appeal is against the concurrent finding of fact.

Both the Courts have held that the plaintiff has established that the suit property is the self-acquired property of the deceased Shyam and by virtue of the Registered Will at Exhibit-30, dated 29.04.1980, the plaintiff has established his ownership over the suit property. The courts have also held that the defendant was a licensee and the said finding was revoked by notice dated 27.11.1989. No substantial question of law arises. The Second Appeal is dismissed.

In view of dismissal of the Second Appeal, Civil Application No.488 of 2015 does not survive and it accordingly stands disposed of.

**JUDGE**