

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

SECOND APPEAL NO.542 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Abhijeet B. Kadam for the appellant

Mr.Sushant Pabhune for the respondent

CORAM : K.K.TATED, J.

DATED : 21/09/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 The Second Appeal is preferred by defendants challenging the concurrent finding of fact recorded by both the courts below.
- 3 The learned counsel for the defendants submits that by this Second Appeal they are challenging the decree passed by Appellate Court dated 8.1.2014 in Regular Civil Appeal No.103 of 2012 to the extent that the plaintiff as well as defendants are entitled to have 1/6th share each in the well and electric motor and electric connection of suit land Gut Nos.44/2 of Village Thakurli. He submits that the well was dig by the defendants

and have obtained electric connection. Hence, the plaintiff has no right in the well as well as electric motor and electric connection.

4 It is to be noted that in the present proceeding, the Trial Court held that everybody has a share in the land bearing Gut No.44/2 including well, electric motor and electric connection. These findings were upheld by the appellate court.

5 Considering the concurrent finding of facts recorded by the courts below, I do not find any reason to entertain the present Second Appeal. Hence, Second Appeal stands rejected.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed order.