

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

SECOND APPEAL NO.954 OF 2012

Madhavrao @ Jalandar Baburao
Sajankar (Patil) ... Appellant

V/s.

Parshuram Dnyanu Sajankar (Patil)
(Since deceased through LRs)
1(a) Smt. Sonabai Parshuram Sajankar
(Patil) & Ors. ... Respondents

.....
Mr. Pradeep Patil, Advocate for the Appellant.
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CORAM : R.K. DESHPANDE, J.

DATED : JULY 28, 2015.

P.C.

The Courts below are concurrent in rejecting the claim of the appellant - plaintiff for partition and separate possession in respect of land Gat No.906 and the house properties. The Courts below have held that the properties have already been partitioned and therefore, there is no question of again effecting partition in respect of these properties. The Lower Appellate Court has considered the documents which are Mortgage Deeds at Exhibits - 68, 69 and 70, executed in the year

1967 - 70. The plaintiffs have admitted in their cross-examination that the property was mortgaged under these Mortgage Deeds by their father Baburao. Thus the finding regarding the partition already effected in respect of Gat No.906, is based upon the admission of the plaintiff and no substantial question of law arises for consideration. Second Appeal is dismissed.

JUDGE