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

**SECOND APPEAL NO.302 OF 2014
WITH
CIVIL APPLICATION NO.843 OF 2014**

Sou. Sandhya Vitthal Sarade	.. Appellant
Vs.	
Suraj Ulhas Revankar	.. Respondent

.....
Mr.S.G. Deshmukh i/b. Mr.Abhijeet Kandarkar, Advocate for the
Appellant.

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CORAM : R.K. DESHPANDE , J.
DATED : JUNE, 17 2015.

P.C. :

The trial Court passed a decree of mandatory injunction holding that the plaintiff is entitled to construct (lay) staircase to go on the first floor in the suit property at his own costs and the claim for damages, is dismissed. The Appellate Court has confirmed the decision of the trial Court by dismissing the Appeal on 29th June, 2011. The original defendant is therefore before this Court against the concurrent finding of facts.

2 The trial Court has held that the plaintiff has established that the defendant has sold easementary right of property to the

plaintiff by sale-deed dated 27th August, 1999 and agreed to erect staircase at her own costs. The sale-deed was challenged by the defendant on the ground that it was got executed by practicing fraud. The Appellate Court has negated this contention.

3 With the assistance of the learned counsel appearing for the appellate, I have gone through the document which is a sale- deed dated 27th August, 1999, executed by the defendant in favour of the plaintiff. It makes out a case of easementary rights in favour of the plaintiff by constructing the staircase. It was denied by the defendant. No substantial question of law arises out of the findings recorded by the Courts below. The learned counsel appearing for the appellant has urged that the Court could not have issued mandatory injunction. Once it is held that the rights of the parties are governed by the contents of the sale-deed, no substantial question of law arises from the findings recorded by the Courts below. Second Appeal is dismissed.

5 In view of the dismissal of the Second Appeal, Civil Application No.843 of 2014 does not survive and is disposed of accordingly.

(R.K. DESHPANDE, J.)