

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

SECOND APPEAL NO. 269 of 2012

(Mahadeo Hiru Pisal
deceased through legal heirs
Sakharam Mahadeo Pisal and ors Appellants

Versus

Sanstu Bhiva Kharat
deceased through legal heirs
Shankar Santu Kharat and ors Respondents)

Mr.V.D.Borwankar, Advocate for appellants
Mr. K.B.Sonwalkar, Advocate, for Respondents

CORAM : R.K.Deshpande, J.
DATED : 29th JUNE, 2015.

P.C.

The trial Court passed a decree in Regular Civil Suit No. 79 of 1991 restraining the defendants from interfering with peaceful possession of the plaintiffs over the suit property , which is Survey No. 204/11, equal to Gat No. 742. The appellate Court in Regular Civil Appeal No. 78 of 2012 has maintained the decision of the trial Court by dismissing the appeal on 29.07.2011. Hence, the original defendants are before this Court in this second appeal.

Both the courts below have recorded the finding of fact that the plaintiff is found to be in

possession of the property on the basis of sale deeds at Exh. 108, 109 and 110, under which the father of the plaintiff has purchased the suit property from one Mahadu Satu Dhangar. The revenue records have also been relied upon. Although it was the claim of the defendants that they were the owners of the suit property, they have failed to establish this fact. The source of possession has not at all been established by the defendants. In view of this, no substantial question of law arises, the second appeal is dismissed.

(R.K.DESHPANDE, J.)