

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

SECOND APPEAL NO. 753 OF 2010

(Shri Hari Govind Sapkal
and others

Appellants

versus

Shri Popatrao Parbati Shinde
and others

Respondents)

Mr.Kishor Patil, Advocate, for appellants.

Mr.Rahul Kate, Advocate, for Respondent Nos. 1 to 7

CORAM : R.K.Deshpande, J.

DATED : 22nd JUNE, 2015.

P.C.

The trial Court dismissed Regular Civil Suit No. 190 of 1989 by its judgment and order dated 18.01.2002. The appellate Court has reversed the findings of the trial Court in Regular Civil Appeal No. 67 of 2002 and the suit filed by the plaintiffs has been decreed on 16.11.2010. Hence, the original defendants 1, 2, 3 and 5 are before this Court in this second appeal.

The questions involved before the Courts below were two folds, (i) whether the plaintiffs have acquired title over the suit property on the basis of the sale deeds which have been produced on record

and proved; and (ii) whether the sale deeds dated 25.03.1988 in respect of the land Survey Nos. 329/2B and 543/2A were bogus and null & void and not binding upon the plaintiffs. The appellate Court has recorded the finding that the original sale deeds are produced on record, the same are proved and the sale deed produced by the defendants being subsequent, the same would not be binding upon the plaintiffs. The trial Court has gone into the question as to the legality and validity of the sale deeds produced by the plaintiffs. There was no counter claim raised to challenge the sale deeds, nor the authority of the vendor was also questioned. In view of this, no substantial question of law arises, the second appeal is dismissed.

At this stage, the learned counsel for the appellants seeks extension of interim order for a further period of eight weeks. However, I do not find any reason to continue the said interim order. The request is rejected.

(R.K.DESHPANDE, J.)