

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

SECOND APPEAL NO.84 OF 2013

Ramu Krushna Chavan

Since deceased, through L Rs.

.. Appellants.

V/s

Sou. Haranabai Nivrutti Chavan

.. Respondent.

Mr. Prem Gidwani i/b V.K. Sharma, for the Appellant.

Mr. Yogendra K. Sharma, for the Respondent.

CORAM : RAVI K. DESHPANDE, J.

DATED : 14th JULY, 2015

P.C.

1. The rival claims of the plaintiff and the defendant over the ownership and possession of the suit premises has been adjudicated in Regular Civil Suit No.159 of 1990 holding that the plaintiff has failed to establish his ownership and possession, as the suit is simplicitor for injunction restraining the defendant from obstructing the possession of the plaintiff over the suit property. The finding is confirmed in the appeal. Hence, the original

plaintiff is before this Court in this Second Appeal.

2. The plaintiff claimed the title and possession over the suit property on the basis of document dated 23.05.1980 marked at Exhibit 64 said to have been executed by Hari Dadu Chavan. The Courts below have held that the document is not admissible in evidence and the plaintiff has failed to prove the possession. There is no document brought to my notice to indicate that the plaintiff has established his possession over the suit property. Both the Courts below recorded the finding of the fact regarding the possession against the plaintiff and hence, no substantial question of law arises for the consideration of this Court when the suit for simplicitor injunction restraining the defendants from obstructing the possession of the plaintiff over the suit premises is dismissed. Hence, the Second Appeal is dismissed.

(RAVI K. DESHPANDE, J.)