

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.85 OF 2014

LAXMAN PANDURANG MARATHE)...APPELLANT

V/s.

**DATTARAM MAHADEO GAWAS (abated))
SOMAJI DATTARAM GAWAS (deceased))
SMT.SARASWATI SOMAJI GAWAS & ORS.)...RESPONDENTS**

Ms.Sukhman Rait h/f. Mr.S.S.Patwardhan, Advocate for the Appellant.

Coram: Smt.R.P.SondurBaldota, J.

Date : 13th January, 2015.

P.C. :

1 The appellant is the original plaintiff who approaches this court by way of second appeal to challenge the concurrent findings of facts by the courts below. The courts have held that the appellant is not in possession of the suit property, and as such, not entitled to any relief of injunction for protection of that possession. The appellant relies only upon certain documents to establish the possession without making any reference to an overt

act by the appellant in respect of the suit property. There is no infirmity in the concurrent findings of the courts below. There is no substantive question of law arising from the second appeal. Hence, the second appeal is dismissed.

(Smt.R.P.SondurBaldota, J.)