

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

SECOND APPEAL NO.367 OF 2015

Ramchandra Bhau Mane (since deceased)

1(a) Shivaji Ramchandra Mane & Ors. .. Appellants

Vs.

Dhanaji Akaram Kadam (D.H.)

1) Smt.Kusum Dhanaji Kadam & Ors. .. Respondents

Mr.V.S. Gokhale for the appellants.

None for the respondents.

CORAM : R.D. DHANUKA, J.

DATE : 26th November 2015

P.C.

. By this second appeal, the appellants have impugned the order and judgment dated 3th October 2014 passed by the learned District Judge, Kolhapur dismissing the Regular Civil Appeal No.107 of 2009 filed by the appellants (original defendants). The respondents who were the original plaintiffs filed a suit inter alia praying for injunction against the appellants herein restraining them from interfering with the possession of the original plaintiffs.

2. Before the trial Court, the appellants herein resisted the said suit by filing an affidavit and contended that the appellants have become owners by the adverse possession. The trial Court decreed the said suit filed by the respondents and dismissed the counter claim.

3. Appeal Court has dismissed the appeal filed by the appellants herein and has rendered a finding of fact that the respondents

were in possession of the suit property. There is a concurrent finding of the fact rendered by both the Courts below against the appellants.

4. In my view, the findings rendered by both the Courts below are not perverse. No substantial question of law arises in the present second appeal. The appeal is devoid of merits and is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.