

SECOND APPEAL NO. 342 of 2012

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

The trial Court dismissed Regular Civil Suit No. 57 of 2001 by order dated 18.12.2007. The appellate Court has dismissed appeal and hence, the original plaintiffs are before this Court against the concurrent findings of fact.

The question involved before the courts below was whether the property i.e. Pardi Land No. 16 was a joint family property and whether the plaintiffs had any share in it. Both the courts have recorded the finding that the property was partitioned between three brothers - Vithya, Bala and Jeevan. Though there is no actual date of partition, the subsequent events have been brought on record, more particularly the sale of the suit

property on 04.06.1929 by Jeevan in favour of Purushottam acquires significance. The properties in the hands of defendants are through Purushottam, Pandurang and Atmaram. There was a dispute raised as to whether document dated 04.06.1929 was a sale deed or a mortgage deed. It is not disputed position that the document was not produced on record by any of the parties, but long standing possession of the defendants from 04.06.1929 till the date of filing of the suit in the year 2001 itself shows that the property was partitioned. No substantial question of law arises, the second appeal is dismissed.

(R.K.DESHPANDE, J.)