

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

SECOND APPEAL NO. 604 of 2012

(Smt. Bhagirathibai Sahebrao Kadam
and others Appellants

Versus

Shri Bakerao Chuna Lokhande
deceased through his L.H.
Smt. Geetabai Bakerao Lokhande
and others Respondents)

Mr. Rahul D. Motkari, Advocate for appellants
Mr. M.M.Sathaye, Advocate, for Respondent No.4

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

P.C.

The trial Court partly decreed the suit restraining the defendant Nos. 1 to 7 from interfering in possession of the plaintiff over the suit land Gat No. 59, area 1 hectare and 20R. Rest of the claim of the plaintiff for specific performance of oral agreement has been rejected. This decision of the trial Court on 03.05.2003 passed in Regular Civil Suit No. 34 of 2000 has been reversed by the lower appellate Court in Regular Civil Appeal No. 159 of 2005 only to the extent the trial Court had decreed the suit in favour of the plaintiff.

The findings of fact recorded by the Courts below rejecting the claim of the plaintiff for specific performance of contract in respect of Gat No. 59 is a possible view of the matter and no substantial question of law arises for consideration by this Court.

So far as the question of possession of land admeasuring 1H and 20R out of Gat No. 59 is concerned, reliance was placed upon revenue entries at Exh. 110 and 111. The appellate Court has considered the oral evidence of the parties and recorded the finding that the plaintiffs have failed to establish the possession over the said land. The finding of fact recorded in respect of the possession is a possible view of the matter which does not give rise to substantial question of law. The second appeal is dismissed.

(R.K.DESHPANDE, J.)