

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Second Appeal No.585 of 2014

(Pandurang Dagadu Gaikwad and others v. Padmanna Rangnath Mangudkar,
since deceased, through his LRs. Manik Padmanna Mangudkar and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri G.N. Salunkhe with Shri Umesh Kurund, Advocates for
Appellants.
None for Respondents.

Coram : R.K. Deshpande, J.

Dated : 16th June, 2015

The Trial Court dismissed the suit for partition and separate possession, setting aside the registered sale-deed executed on 3-3-1975 by the defendant No.2 in favour of the defendant No.1. The Appellate Court has concurred with the findings recorded by the Trial Court in dismissing the suit. Hence, the plaintiffs are before this Court in this second appeal.

The questions before the Courts below are whether the property was a joint family property and whether the sale-deed executed was vitiated by fraud. Both the Courts below have recorded the findings that the property was purchased by the defendant No.2 out of his own funds and that neither the case of the joint family property nor the case of nucleus to purchase the property has been established. There are no grounds to challenge the sale-deed executed by the owner of the property. Thus, the findings of fact recorded by both the Courts below do not give rise to any substantial question of law in this appeal.

The second appeal is dismissed.

Judge.

Lanjewar