

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.285 OF 2011

(Sushila @ Seetabia Rajaram Jadhav Vs. Shri Nivrutti Sitaram More since deceased thr. LRs.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's orders.

Shri R.N. Kachare, Advocate for Appellant.

CORAM: R.K. DESHPANDE, J.

DATE: 29th JULY, 2015.

Undisputedly, the property was owned by the father of the plaintiff. The plaintiff claimed ownership on the basis of the Will dated 12.07.1984 said to have been executed by her father in her favour. Both the Courts below have held that Will has not been established. It is not the case of the plaintiff that at the time of the death of father she was staying with father and therefore, she was in possession of the suit property. Both the Courts below are concurrent in holding that the plaintiff has failed to establish possession and hence, the suit for simplicitor injunction restraining the defendants from interfering with the possession of the plaintiff has been dismissed. No substantial question of law arises in this second appeal. The second appeal is dismissed.

In view of dismissal of the Second Appeal, Civil Application No.755 of 2011 does not survive and it accordingly stands disposed of.

JUDGE