

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Second Appeal No.469 of 2013

(Smt. Shevantabai J. Shinde v. Smt. Kausalya Vasant Deshmukh and others)

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

Shri J.M. Puranik, Advocate for Appellant.

Shri R.D. Suryawanshi, Advocate for Respondent No.2.

Coram : R.K. Deshpande, J.

Dated : 23rd June, 2015

The appellant is the original defendant and the owner of Survey No.15/1 sold by the respondents/plaintiffs. The plaintiffs are the owners of Survey No.10/2. The suit was filed seeking removal of encroachment to the extent of 0.8 R of land in Survey No.10/2 owned by the plaintiffs. The Courts below have relied upon the report of the Surveyor at Exhibit 91 after remand in the earlier round of litigation. The Courts have also relied upon the statements recorded by the Surveyor at Exhibit 96. The findings of fact are recorded on the basis of the evidence available on record. Thus, no substantial question of law arises in this second appeal.

The second appeal is dismissed.

Judge.