

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.550 OF 2013

(Bhagat Vithobha Kapse Vs. Shahu Sandeepan Galande)

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

Court's or Judge's orders.

Shri V.S. Deokar, Advocate for Appellant.
Shri G.N. Salunke, Advocate for Respondent.

CORAM: R.K. DESHPANDE, J.

DATE: 15th JULY, 2015.

The trial court passed a decree in Regular Civil Suit No.301 of 2003 on 26.03.2010 restraining permanently the defendant from interfering with the possession of the plaintiff over the suit property on the basis of the document of title which is sale-deed dated 14.08.1995. The Lower Appellate Court has dismissed the Regular Civil Appeal No.98 of 2010 on 28.03.2013. Hence, the Second Appeal filed by the defendant against the concurrent finding of fact.

Both the Courts have recorded the finding that the appellant/plaintiff has failed to establish his title over the suit property so also the possession. The finding of fact is based on evidence does not give rise to any substantial question of law. The Second Appeal is dismissed.

In view of dismissal of the Second Appeal, Civil Application No.1297 of 2013 does not survive and it accordingly stands disposed of.

JUDGE