

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO. 571 OF 2011

Sambhaji Santram Powar
(Since deceased through LRs)
(a) Smt. Shantabai Sambhaji Powar & Ors. ... Appellants

V/s.

Pandurang Rama Khot
(Since deceased through LRs)
A] smt. Bebi Anandrao Khot & Ors. ... Respondents

.....
Mr. A. B. Borkar, Advocate for the Appellants.
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CORAM : R. K. DESHPANDE, J.

DATED : AUGUST 4, 2015.

P.C.

Heard the learned counsel for the parties.

2 The trial Court has dismissed the Regular Civil Suit No.986 of 1991, for title and possession of the suit property on 17th November, 1997. Regular Civil Appeal No.17 of 1998 has been dismissed by the Lower Appellate Court on 10th March, 2011. Hence, the plaintiff is before this Court against the concurrent finding of facts.

3 The question involved in the Courts below was of removal of encroachment on the basis of the title of the plaintiff over the suit property. The plaintiff claimed title over the suit property on the basis of the sale-deeds dated 23rd March, 1918 and 5th May, 1920 and also agreement dated 3rd April, 1934. It was alleged that the respondent has encroached upon some portion of the property belonging to the plaintiff. After going through the judgment delivered by both the Courts below, it is apparent that the plaintiff has failed to establish that the alleged encroachment is on the land belonging to the plaintiff. The plaintiff has failed to establish that the alleged encroached portion falls within the four corners of the property belonging the plaintiff, as is described in the sale-deeds and the Kararnama.

4 In view of this, no substantial question of law arises. Second Appeal is dismissed.

JUDGE