

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

rpa

**SECOND APPEAL NO.657 OF 2011
AND
SECOND APPEAL NO.676 OF 2011**

Vithal Pundalik Kurane	.. Appellant
Vs.	
Bhau Deu Kamble	
(Since deceased through the LR's)	
1A. Sanjay Bhau Kamble & Ors.	.. Respondents

....
Mr.P.M. Arjunwadkar, Advocate for the Appellant.

....

CORAM : RAVI K. DESHPANDE, J.

DATED : JUNE 8, 2015.

P.C. :

The trial Court has decreed both the suits one for grant of possession in respect of Gram Panchayat House No.354 and the other for injunction in respect of Gram Panchayat House No.353. Both the Courts have held that the plaintiff has established possessory title over the suit properties and the licence of the defendant was terminated. The trial Court granted the relief of possession in respect of Gram Panchayat House No.354. The plaintiff is found to be in possession of Gram Panchayat House No.353 and hence decree for permanent injunction has been granted. Both the Courts below have recorded the concurrent findings of fact.

2 The learned counsel appearing for the Appellant urged that plaintiff is not owner of the suit property as is apparent from the finding recorded below. It is the State Government which is the owner of the suit property. The Courts below therefore could not have passed decree in both the suit in favour of the plaintiff. He further submits that the plea of adverse possession was accepted by the trial Court, but the suit has not been dismissed on that ground.

3 Plaintiff has claimed possessory title over the suit property and has filed both the suit in that capacity. In view of this, the question of the State Government being the owner of the property loses its significance. The plea of adverse possession has not been accepted by the Appellate Court and there is nothing brought on record to show that the defendant has contributed for construction of the house Gram Panchayat House No.354. No substantial question of law is made out. The Second Appeals are dismissed.

(RAVI K. DESHPANDE, J.)