

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

SECOND APPEAL NO.640 OF 2013

Hasanmiya Ali Phansopkar & Anr.	...	Appellants
V/s.		
Abdul Sattar Ibrahim Majgaonkar & Anr.	...	Respondents

.....

Mr.A.S. Khandeparkar a/w. Mr.Shantanu Chandratri i/b.
M/s.Khandeparakar & Associates, Advocate for the Appellants.
Mr.R.D. Suryawanshi, Advocate for the Respondents.

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CORAM : RAVI K. DESHPANDE, J.

DATED : JUNE 29, 2015

P.C.

The only question involved in the present Second Appeal is:

*Whether the plaintiff has established his possession
over the suit property?*

2 The Courts below have held that the plaintiff has failed to establish the possession. The suit is dismissed. Appeal is also dismissed. The Lower Appellate Court has considered property card at Exhibit-22 and revenue receipt at Exhibits-23 to

27, relied upon by the plaintiff. The Courts have held that entry in the property card at Exhibit-22 was deleted and the revenue receipts at Exhibits-23 to 27 do not bear city survey number or survey number or gat number of any of the lands. The Courts have held that these documents are not enough to establish the possession of the plaintiff over the suit property. Apart from this, Courts have also accepted that in view of the decision of the Regular Civil Suit No.232 of 2003, the defendants are found to be in possession of the suit property and they have constructed a hut on it. No substantial question of law arises for consideration.

3 Second Appeal is dismissed.

(RAVI K. DESHPANDE, J.)