

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO.103 OF 2012
WITH
CIVIL APPLICATION NO.168 OF 2012
IN
SECOND APPEAL NO.103 OF 2012**

RAMESH VITHOBA CHANDERE)...APPELLANT

V/s.

DNYNANOBA SAKHARAM CHANDERE & ANR.)...RESPONDENTS

Mr.Deepak A. Patil, Advocate for the Appellant.

Mr.Prabhakar Jadhav, Advocate for Respondent Nos.1 and 2.

Coram: Smt.R.PSondurBaldota, J.

Date : 5th January, 2015.

P.C. :

1 The appellant is the original plaintiff, who filed suit for declaration and permanent injunction in respect of the open space admeasuring 30 feet x 15 feet situate at Property No.410, Village Sus, Taluka Mulshi, District Pune. The declaration sought was of

title to the suit property and the perpetual injunction was to restrain the respondents from carrying on any construction thereon. Admittedly, the appellant was not able to produce any document of title in respect of the suit property before the court. The documents produced by him were limited to the entries in the Revenue Record. Based on those entries, the trial court had decreed the suit, declaring the appellant to be the owner of the land and restraining the respondents from disturbing the appellant's possession of the suit land, as also from carrying out any construction thereon. Being aggrieved by the judgment and decree of the trial court, the respondents preferred appeal to the District court. By the order dated 22nd August, 2011, the District court reversed the judgment and decree of the trial court, holding that the documents produced by the appellant, of the entries in the Revenue Records, not being the documents of title, the appellant had failed to establish his right to the suit property. There is no infirmity, whatsoever, in the view taken by the Appellate court. Further, there is no substantive question of law arising in the appeal. Hence, this second appeal is dismissed.

In view of dismissal of the second appeal, Civil Application No.168 of 2012 does not survive, and it is accordingly disposed off.

(Smt.R.P.SondurBaldota, J.)