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

SECOND APPEAL NO. 667 OF 2010

Makbool Ghadu Momin
(Since deceased through his LR's)
1. Gaous Makbook Momin & Ors. .. Appellants

Versus
Mallik Yusuf Mullah .. Respondent

.....
Mr.S.V. Sadavarte, Advocate for the Appellants.
Mr.P.P. Kulkarni, Advocate for the Respondent.
.....

CORAM : R.K. DESHPANDE, J.

DATED : JUNE 15, 2015.

P.C.:

The trial Court dismissed the suit for removal of encroachment in Gat No.307/3. The Appellate Court has dismissed the Appeal. Hence, the plaintiff is before this Court in the Second Appeal.

2 The Courts below have recorded the finding that the plaintiff has failed to established the title over the alleged encroached portion and further that the encroachment has also not been established. The Courts below have also rejected the

contention that there was earlier adjudication in Regular Suit No.100 of 1984 which was binding upon the parties. The Court has recorded the finding that clearly the suit was in respect of different properties and hence the findings would not operate as a *res-judicata*. No substantial question of law arises for consideration. Second Appeal is dismissed.

(R.K. DESHPANDE, J.)