

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
(Civil Appellate Jurisdiction)

SECOND APPEAL NO. 728 of 2013

(Prema Ghanshyam Thakkar vrs Pandurang Narayan
Patil and ors)

Mr. Rajesh Sudhakar Datar, Advocate for appellant.
Shri Mandar Limaye, Advocate, for respondent.

CORAM : R.K.Deshpande, J.
DATED : 09th JUNE, 2015.

P.C.

The trial court has dismissed the suit of the plaintiff for ownership of the suit property by way of adverse possession. The appellate Court has maintained the decision of the trial Court. Hence, the plaintiff is before this Court against the concurrent finding of facts.

The question as to whether the plaintiff has perfected the title over the suit property is essentially a question of fact. Merely because the plaintiff has established that he is in continuous possession of the suit property since 1982 would not be enough to hold that he has perfected the title by way of adverse possession. The plaintiff has encroached upon the portion adjacent to his land and there is no evidence on record to show the hostile possession of the plaintiff. There is no evidence on record to show that the defendant was having knowledge that the plaintiff was asserting ownership right over the suit property for years together and that he remained silent. No substantial

question of law arises. The second appeal is dismissed.

(R.K.DESHPANDE, J.)

Rvjalit