

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.584 OF 2011

Insparas Ghaspar Pinto,
since deceased, through her legal
heirs:-

1) Anton Ghaspar Pinto & Others

.... Appellants

Vs.

Marisantan Bastyao Rodrigues,
since deceased, by her legal heirs:

a) Bastyao Ghustin Rodrigues
& others

.... Respondents

None for the Appellants.

Shri Sudhir Prabhu for the Respondents.

CORAM: RAVI K. DESHPANDE, J.

DATED: JULY 13, 2015

P.C:

Regular Civil Suit No.62 of 1986 was decreed by the Trial Court in favour of the plaintiff after recording the finding that the plaintiff has proved her ownership and possession over the suit property on the basis of 32-M certificates at Exhibits-86 and 87 and the revenue receipts at Exhibits-88 to 90. Certified copy of the Judgment delivered by the Sub-Divisional Officer, Sawantwadi in R.T.S. Appeal No.18 of 1982, at Exhibit-111, was also relied upon. The case of the defendant that the suit was

barred by limitation as the suit property was a joint family property, was not accepted. Similarly, the plea of adverse possession taken was also rejected. The Courts below have concurrently held that the 32-M certificates stand in the name of the plaintiff. The revenue receipts are also evidencing payments by the plaintiff. The mutation entry No.5265, entering the name of the defendant in respect of the suit property, was set aside. The finding recorded by both the Courts below on the aspect of title and possession of the plaintiff of the suit property is based on the evidence available on record, which does not give rise to any substantial question of law. The Second Appeal is dismissed.

(RAVI K. DESHPANDE, J.)