

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.721 OF 2013

Ramchandra Shankar More Appellant

Vs.

Bapu Raosaheb Deshmukh Respondents
since deceased through his Heirs
& legal representatives, Mangal
Bapurao Deshmukh & Ors.

Mr. Surel S. Shah, Advocate for the Appellant.
None for the Respondents.

Coram : Smt. R.P. SondurBaldota, J.
Date : 19th January, 2015.

P.C.

The appellant challenges concurrent findings of the courts below dismissing the suit for declaration that the respondents have no right to take possession of the suit property in execution proceedings being Regular Darkhast No. 79 of 1987. The trial court amongst other grounds dismissed the suit holding that it is specifically barred by Section 47 of Code of Civil Procedure. It has also observed that because of the suit filed by the appellant, and the interim orders passed therein, the execution proceedings have been pending since the

year 1987. This act on the part of the appellant is a clear-cut abuse of process of the court. This finding has been confirmed by the lower appellate court. There is no infirmity whatsoever with the orders passed by the courts below. The Second Appeal is therefore dismissed.

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