

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

SECOND APPEAL NO.727 OF 2013

Tanubai Dadu Ranavare ... Appellant

V/s.

Tukaram Pandu Mane & Ors. ... Respondents

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Mr.Chetan Patil, Advocate for the Appellant.

Mr.Drupad S. Patil, Advocate for the Respondents.

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CORAM : R.K. DESHPANDE, J.

DATED : JULY 21, 2015.

P.C

Both the Courts below are against the appellant – plaintiff in a suit for removal of encroachment and grant of injunction restraining the defendants from interfering with the possession of the plaintiffs over the suit property which is Gat No.1155 and 1156. The Courts below have held that in order to show the encroachment, the plaintiff should have properly described the suit property along with their boundaries. After going through the copy of plaint, it is apparent that the plaint not in conformity with the provisions of Order VII Rule 3 of the

Code of Civil Procedure (Bombay Amendment). Even otherwise, it is not possible to ascertain from the record the boundaries of the suit properties. In the absence of such description and identification of the property, no substantial question of law arises for consideration in respect of the findings recorded by both the Courts below that the encroachment has not been established. The earlier suit filed by the plaintiff was decreed for injunction restraining the defendants from interfering with possession of the plaintiffs over the suit properties. There is no dispute about the ownership and possession of the plaintiff in respect of survey nos.1155 and 1156, the fact is that the encroachment has not been proved. No substantial question of law arises. Second Appeal is dismissed.

JUDGE