

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

SECOND APPEAL NO.108/2015

Sau. Latabai Subhashrao Dahake

..Versus..

Jayant Punjaji Takarkhede

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 19.10.2015

Heard Shri N.S. Bhelkar, learned advocate for the appellant and Shri A.D. Patil, learned advocate for the respondent.

The respondent filed the civil suit praying for decree for partition and possession in respect of the suit shop, based on the sale-deed registered on 31st August, 1998. The case of the appellant - original defendant is that the respondent got his name inserted in the sale-deed mischievously and he had not contributed for the purchase of the property. It is the case of the appellant that the appellant had taken loan of Rs.10,000/- from the respondent which is paid to the respondent.

The subordinate Courts have concurrently recorded that the respondent has proved his case and the defence as raised by the appellant has not been proved by him. The appeal does not raise any substantial question of law which requires consideration by this Court under Section 100 of the

Civil Procedure Code. The concurrent findings recorded by the subordinate Courts are based on pleadings, documents and evidence on the record. The appeal is dismissed. In the circumstances, the parties to bear their own costs.

C.A.S. NO.166/2015

In view of the disposal of the appeal, the application for stay is rendered infructuous and is disposed of accordingly.

JUDGE

Tambaskar.