

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

Second Appeal No. 377 of 2013
Smt Genabai and ors v. Udhav

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

Court's or Judge's orders.

Mr S. G. Shukla, Adv for appellants
 Mr J. Y. Ghurde, Adv for respondent

CORAM : A.V. NIRGUDE, J

DATED : 25th March 2015

1. CAS No. 113 of of 2014 : Heard.
 Application for appointment of Court Commissioner stands rejected.
2. SA No. 377 of 2013 : The appeal challenges concurrent findings recorded by the Courts below that the appellants/plaintiffs could not prove that the suit Well and suit Mango Tree are situated within the boundaries of their land which is bearing Khasra No. 37/1-E.
3. Although the defendant did not try to prove that these two objects are located in his land Khasra No. 37/1, since the appellants/plaintiffs failed to prove their case, the suit was dismissed. To prove location of the above-mentioned two things, appellants/plaintiffs were under obligation to lead proper evidence. The Courts below did not accept their case mainly because evidence was lacking.

4. No substantial question of law arises.
Appeal stands dismissed. No costs.

JUDGE

joshi