

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

Second Appeal No. 374 of 2013
Sau Yamubai v. Vinayak

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

—
Court's or Judge's orders.

Mr N. G. Solov, Adv for appellant
Mr V. S. Mishra, Adv for respondent

CORAM : A.V. NIRGUDE, J

DATED : 6th April 2015

1. Heard learned counsel for the parties. Second Appeal challenges concurrent findings of the Courts below that respondent/defendant was entitled to protection under Section 53A of the Transfer of Property Act though the judgments are differently worded.

2. The case of appellant/plaintiff was as under:

She said that she purchased the suit plot on 16th February 1998 through a registered sale deed. She also said that the respondent/defendant dispossessed her and constructed a structure on the suit plot. She filed suit for possession on the basis of title.

3. The respondent/defendant took up a stand that he purchased the suit plot long back in 1992 through an unregistered document. He also said that

he had parted with entire consideration and was put in possession. In short, his case sought protection under Section 53A of the Transfer of Property Act.

4. The trial Court recorded findings and came to a conclusion that pursuant to unregistered document of 1992, the respondent/defendant was put in possession. The appellant/plaintiff would not have any case if he is unable to show that the respondent/defendant has not proved his defence.

5. There does not appear any substantial question of law arising in this appeal. Appeal is accordingly dismissed. No costs.

JUDGE

joshi