

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

Second Appeal No.495/2014
(Yamunabai wd/o Ramkumar Shukla .vs. Surendrakumar Chetanprasad
Mishra)

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

Court's or Judge's orders.

Mr. S.G. Joshi, Advocate for Appellant.
Mr. A.Z. Jibhkate, Advocate for Respondent.

CORAM : A.V. Nirgude, J.
DATED : April 15, 2015.

Heard.

2. This appeal challenges the concurrent findings recorded by the Courts below. The respondent/plaintiff filed this suit for possession on the basis of title. He claims that he purchased suit land from the appellant's husband in 2000 but the appellant dispossessed him. The appellant suggested in her defence that her husband had sold this land to her and, therefore, there was no question of her husband selling the same land again to the respondent/plaintiff.

3. The record reveals that the appellant/defendant disclosed in her written statement only half truth. She did not mention purposely that she even sold the suit land to her husband and thereafter the suit transaction took place between her husband and the respondent/plaintiff. It is not her case anywhere that the suit land was given to her towards her maintenance and, therefore, she became owner of the same. The Courts below correctly held that the respondent/plaintiff

proved his title and should be, therefore, entitled to possession.

4. The learned counsel for the appellant tried to inform me that in the lower Courts, the appellant's case was not properly defended. His Advocate became Judge and no one attended the case etc. However, from the judgments of the Courts below, this assertion does not seem to be correct factually. No doubt one of the Advocates of the appellant became Judge during the pendency of the litigation but his colleagues attended this Case and did not abandon it.

5. The appeal does not give rise to any substantial question of law. Dismissed.

JUDGE

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