

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

**SECOND APPEAL NO. 511 OF 2016
WITH
CIVIL APPLICATION NO. 1043 OF 2016**

Shri Amit Dhanaji Chavan & Anr.

..... Appellants

Versus

Shri Vijaysing Appasaheb Chavan
& Ors.

.....Respondents

Mr. Abhijit Adagule, for Appellants/Applicants.
P. D. Dalvi a/w Kedar Lad, for Respondents.

***CORAM : N. M. Jamdar J.
Tuesday 26 July, 2016***

ORAL ORDER

. The appellants challenge the Judgment and Order passed by the Civil Judge, Senior Division, Kolhapur and the District Judge, Kolhapur, wherein the suit filed by the respondents/plaintiffs was decreed and appeal filed by the appellants was dismissed. The suit was filed for possession of the suit property.

2. The learned Counsel for the appellants submitted that the respondents/plaintiffs have not proved their title to the suit property. This submission was advanced in both the Courts. The respondents/plaintiffs produced the title-deeds on record and the contention raised by the appellants that the witness was present at the time of transaction should have been examined was rightly negated that there is no such requirement of examination of attesting witness in the case of a registered sale-deed. Nothing is shown as to why the title-deeds produced on record by respondents/plaintiffs are to be discredited.

3. The learned Counsel for the appellants then submitted that the property is bequeathed to the appellants by way of a Will. Law prescribes a particular mode of proving a Will when it is disputed. Admittedly this course of action had not been adopted by appellants. No attesting witnesses have been examined. Therefore, no infirmity is found in a decree for possession granting in favour of the respondents/plaintiffs, which is confirmed in Appeal.

4. No other argument was advanced. No question of law arises. Second Appeal is dismissed. Civil Application stands disposed of.

(N. M. Jamdar, J.)