

Sequeira

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

SECOND APPEAL NO. 727 OF 2012

Shri Pandurang Maruti Chavan. ... Appellant

V/s.

Smt.Gangubai Ramchandra Sutar & ors. ... Respondents.

Mr.Sandesh Patil i/b Miss Tanu Khatri, for the Appellant.

None for Respondents.

***Coram : N.M. Jamdar, J.
Monday 20 June, 2016.***

P.C. :-

The Appellant challenges the concurrent Judgment and Orders passed by the Civil Judge Junior Division, Kavthemahakal and District Judge Sangli, dismissing the Suit and Appeal of the Appellant. The Suit was filed by the Appellant to set aside the Judgment and Decree passed in Regular Civil Suit No.61 of 1989 on the ground of fraud.

2 The Suit No.61 of 1989 was decreed on 27 November 1992. Thereafter another Suit No.6 of 1994 was filed by some of the Defendants which was withdrawn, on 1 October 1996. The summons of both the suits was served on the Appellants. The decree in Regular Civil Suit No.61 of 1989 was challenged in this Court as well as in the Apex

Court and has become final. Both the Courts have concluded that Suit No.61 of 1989 was decreed in the year 1992 and the present Suit filed on 31 October 1996 was beyond period of limitation. There is no error in this conclusion. In spite of the decree attaining finality in the Apex Court, the Appellants have instituted another round of litigation which is devoid of any merits. Second Appeal is dismissed with costs of Rs.5,000/-.

(N.M.Jamdar, J.)