

JPP

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

SECOND APPEAL NO. 737 OF 2014

Dadu Umbaro Bad.

... Appellant.

V/s.

Shantaram Balkrishna Patki.

... Respondents.

Mr. Ajay Joshi for the Appellant.

None for the Respondents.

CORAM : N.M. Jamdar, J.

22 June, 2016.

Oral Order :-

The Appellant challenges the judgment and order passed by the learned Civil Judge, Junior Division, Atpadi and the learned District Judge, Sangli dismissing the Suit and the Appeal of the Appellant.

2. The Appellant – Plaintiff filed the Suit for perpetual injunction. It was the case of the Appellant that the Appellant was in possession of the Suit property as a tenant and during the pendency of the Suit, the Appellant was wrongfully dispossessed after his

Application for temporary injunction was rejected. Both the Courts have concurrently held that the Appellant failed to produce any evidence to show that he was tenant of the said property.

3. Heard the learned Counsel for the Appellant.

4. Both the Courts have assessed the evidence produced by the Appellant and have held that on the basis of such evidence alone, the right of possession of the Appellant cannot be established. If the Appellant was cultivating the suit property as a tenant, the said fact would have reflected in the revenue record. In fact the position of revenue record is contrary and is in favour of the Respondents. No documentary evidence is produced on record to show that the property is in possession of the Appellant as a tenant. For lack of any cogent evidence, the decision of both the Courts holding that the Appellant is not entitled to any relief cannot be faulted with. No question of law much less substantial question of law arises. The Appeal is accordingly dismissed.

(N.M. Jamdar, J.)