

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

***SECOND APPEAL NO. 865 OF 2015  
ALONG WITH  
CIVIL APPLICATION NO. 1902 OF 2015***

Sau. Sanjivani Suryakant Tambrali & ors. ... Appellants/  
Applicants  
v/s

Gangadhar Basanna Kotane & ors. ... Respondents

Mr.Rahul Kate along with Ms.Priyanka Joshi for the  
appellants/applicants.

Mr.P.S.Dani, senior advocate along with Priyal Sarda for the  
respondent Nos.1 and 2.

***Coram: N.M. Jamdar, J.***

***Dated: 4 July 2016***

***P.C.:***

Heard learned counsel for the parties.

2 The Appellants challenge the judgments and orders passed by the Civil Judge, Senior Division, Solapur, and the District Judge, Solapur, directing the Appellants to hand over possession of two rooms from the suit premises to the Respondents/Plaintiffs. Both the Courts have concurrently held that the Respondents/Plaintiffs

purchased the suit property by way of registered sale deed on 1 September 1988. Witnesses have been examined and the sale deed is duly proved. Nothing is shown as to why the finding that the Respondents/Plaintiffs have become owner of the two rooms of the suit property by virtue of the sale deed, needs to be set aside. The case of the Appellants is that an irrevocable licence is created in favour of the Appellants. However, that case is only regarding four rooms, in respect of which no decree has been passed against the Appellants and that part of the decision is subject matter of the Second Appeal No.238 of 2015. As regard the subject matter of the present appeal i.e. the two rooms, the Respondents/Plaintiffs are the owners and the Appellants have no right in the same.

3 No error or perversity is found in the conclusion directing the Appellants to hand over possession of two rooms from the suit premises to the Respondents/Plaintiffs. No substantial question of law arises.

4 The second appeal is dismissed. The civil application is disposed of.

*(N. M. Jamdar, J.)*