

1 This appeal is directed against the judgment and decree dtd. 3rd October, 2015, by which the Bombay City Civil Court dismissed the appellant's suit seeking declaration that he is entitled to get his name entered in the revenue records as the owner of the suit property solely based on possession of more than 70 years and for permanent injunction to restrain the respondents inter alia from disturbing, interfering with his possession of the suit property and/or demolishing the structures on the suit property. The respondent is the State of Maharashtra. The Bombay City Civil Court dismissed the suit holding that the relief of declaration sought by the appellant cannot be granted and consequently there was no case

whatsoever made out for grant of permanent injunction as prayed.

2 Ms. Shelke, the learned advocate for the appellant does not dispute that the suit for relief of declaration in terms of prayer clause (a) is not maintainable, therefore, rejection by Bombay City Civil Court of prayer for declaration is not being questioned. As regards the relief of permanent injunction sought by the appellant, the averments to support the same are found at para 18 of the plaint. The appellant baldly alleges therein that the officers attached to the Revenue Department often visit the suit property at the instance of some builders and developers and threaten to dispossess him from the suit property and demolish the structures on the suit property. The averments being absolutely vague and without any particulars whatsoever, have obviously been found not satisfactory by the Bombay City Civil Court. The appellant also could not have been permitted to improve upon the pleading by stating the details of the allegations of his deposition. Thus, there is no infirmity whatsoever in the impugned judgment and decree. Hence, the appeal is dismissed.

3 In view of dismissal of the First Appeal, the Civil Application does not survive. The same is accordingly disposed off.

(Smt. R.P. SondurBaldota, J)