

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

SECOND APPEAL NO. 132 OF 2015

Sou. Parvati Mahadev Kinhale @ Jagtap Appellant

Versus

Shri Ravindra Anandrao Sanas & Ors.Respondents

Mr. Dnyaneshwar Adsul, for Appellant.
None for Respondents.

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

ORAL ORDER

. The appellant challenges concurrent Judgment and Order passed by the Civil Judge, Junior Division, Saswad, District Pune and the learned District Judge, Pune, dismissing the suit and appeal filed by the appellant.

2. The appellant filed a suit for recovery of a portion alleged to be encroached by the respondents. The learned Civil Judge after assessment of the evidence, concluded that the respondents have not encroached on the land of the plaintiff. In the appeal, this finding was confirmed.

3. The learned Counsel for the appellant submitted that both the Courts have not considered the maps produced by the Survey Authorities which formed part of the record. He submitted that the map prepared on 12/14 May, 2002 clearly shows the encroachment made by the respondents.

4. The learned District Judge has taken note of the admission of the appellant that there exist a Bund dividing the two lands, from which the parties used to go to their fields. The learned Counsel for the appellant submitted that this admission is of not much importance as appellant is a rustic villager. This submission cannot be accepted. The statement is very categorical that the Bund exist and they used to go to their fields. This statement is not an innocent mistake. The suppression of fact in the plaint has been brought out during the cross-examination which has been rightly taken note by the learned District Judge. The arguments advanced are relating to appreciation of evidence. No other argument was advanced. No question of law arises. Second Appeal is dismissed.

(N. M. Jamdar, J.)