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

SECOND APPEAL NO. 157 OF 2015

Bhagwan Lakshaman Magar and Ors. ...Appellants.

V/s.

Baban Popat Magar and Ors. ... Respondents.

Mr. Prabhakar Jadhav for the Appellants.

Mr. K.B. Sonwalkar for Respondents 1,3,4 and 5.

CORAM : N.M. Jamdar, J.

22 June, 2016.

P.C. :-

The Appellants challenge the judgment and decree passed by the learned Civil Judge, Junior Division, Malshiras and the judgment and decree passed by the Additional District Judge, Malshiras. The Suit filed by the Respondents is decreed and the Appellants are directed to hand over 21 R land of encroached portion. The Suit was filed by the Respondents seeking removal of encroachment made by the Appellants of 21 R land in the suit property. The Suit was decreed and Appeal No. 158 of 2004 was filed in the District Court. This Appeal was allowed and the

Respondent – Plaintiff filed a Second Appeal bearing No. 547 of 2006. The Second Appeal No. 547 of 2006 was disposed off , remanding and restraining the Appeal to the District Court. It was directed that the Taluka Inspector of Land Records (TILR) be appointed to carry out the measurements. After the TILR submitted his report, the present order came to be passed by the learned District Judge dismissing the Appeal which was restored by the learned District Judge.

2. Heard the learned Counsel for the parties. Pursuant to the directions of this Court, the TILR was appointed. He has submitted his report. The TILR was also examined. The inspection was carried out with notice to both the sides. Nothing has been brought in the cross-examination of the surveyor to discredit his report based on this report. The learned Counsel for the Appellant is unable to show how the report of the TILR and the consequent finding of the District Court is bad in law. The learned District Judge has rightly dismissed the Appeal of the Appellant. No question of law arises. The Second Appeal is dismissed.

(N.M. Jamdar, J.)