

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Second Appeal No.109 of 2014

(Madhukar s/o Karnu Sayam v. Radheshyam s/o Ramprasad Mishra and
others)

With

Second Appeal No.110 of 2014

(Ramrao s/o Ashanna Gorlewar v. Radheshyam s/o Ramprasad Mishra and
others)

With

Second Appeal No.111 of 2014

(Shilas s/o Kanhoba Punwatkar v. Radheshyam s/o Ramprasad Mishra and
others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri M.P. Khajanchi, Advocate for Appellants.

Shri S.Y. Deopujari, Advocate for Respondent Nos.1 and 2.

Coram : R.K. Deshpande, J.

Date : 22nd November, 2016

In all these three second appeals, the appellants are before this Court against the concurrent findings of fact recorded by the Courts below, passing a decree for possession in favour of the plaintiffs and against the defendants.

Shri Khajanchi, the learned counsel appearing for the appellants, has urged that the appellant-defendant No.1 was the tenant in respect of the suit property and, therefore, the Trial Court ought to have framed such an issue of tenancy and should

have referred it to the authorities under the Maharashtra Tenancy and Agricultural Land (Vidarbha Region) Act, 1958.

The property was owned by Shivprasad and he was not heard for more than seven years. Chhabubai, the wife of Shivprasad, succeeded the property. The defendant No.1 claimed to be the tenant of Jagdishprasad, the defendant No.2. The Courts below have held that the title in favour of Jagdishprasad over the suit property has not been established. Jagdishprasad did not prefer any appeal against such finding, and in view of this, the question of framing the issue of tenancy did not at all arise.

No substantial question of law is involved in these second appeals.

The second appeals are dismissed.

Judge.

Lanjewar