

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

Second Appeal No.151 of 2014

(Smt. Janabai w/o Khopadu Chandewalukar v. Smt. Annabai @  
Chandrabhaga wd/o Kusan Marbate (Dead & deleted), Nathyoo s/o Fatuji  
Khangar and another)

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

Court's or Judge's orders

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Shri S.S. Chauhan, Advocate for Appellant.

Shri A.K. Neware, Advocate for Respondent No.2.

**Coram : R.K. Deshpande, J.**

**Date : 28<sup>th</sup> November, 2016**

The suit for declaration of title and permanent injunction was dismissed by the Trial Court. The appeal has also been dismissed by the lower Appellate Court. The Courts below have recorded the concurrent finding of fact that the Will dated 5-7-2001 has not been proved by the plaintiff to establish her title over the suit property.

The learned counsel for the appellant-plaintiff is unable to point out as to how the findings of fact recorded by the Courts below are illegal/perverse. Merely because the defendants have not entered the witness-box, that by itself would not be enough to draw an adverse inference. The plaintiff has to stand on his own legs.

No substantial question of law arises. The second appeal is dismissed.

Judge.

Lanjewar