

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

SECOND APPEAL NO.148 OF 2014

Sidhharth Bhagwan Waghmare

-vs-

Suresh Madhav Sute

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri J. S. Wankhede, Advocate for appellant.

Shri M. Rai, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : APRIL 20, 2016

The present appeal has been filed by the original plaintiff who is aggrieved by the dismissal of the suit for possession.

It is the case of the appellant that he was the owner of plot admeasuring 60' x 40' and on that basis has sought eviction of the respondent from the same. The trial Court recorded a finding that there was no document of title in favour of the appellant and that the suit property had not been properly described. This finding was confirmed by the Appellate Court. The Appellate Court referred to the admission of the appellant in his cross examination that the suit property was not purchased by him but he had encroached upon the government land. This encroachment was not regularised.

Shri J. S. Wankhede, the learned counsel for the appellant urged that the findings recorded by both the Courts were contrary to the record. However, considering the fact that there was no document of title placed on record

by the appellant and that he had admitted that the suit plot was not purchased by him, it cannot be said that the dismissal of the suit by the trial Court and dismissal of appeal by the Appellate Court was contrary to law. The findings recorded in that regard are pure findings of fact. No substantial question arises for consideration. The second appeal is therefore dismissed with no order as to costs.

JUDGE