

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

Second Appeal Stamp No.14982 of 2016
(Shri Natthuji s/o Shrawan Dhapodkar v. Shri Tukaram s/o Shrawan
Dhapodkar)

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and Registrar's order

Shri P.S. Tiwari, Advocate for Applicant/Appellant.

Coram : R.K. Deshpande, J.
Date : 24th August, 2016

The Courts below have passed a decree for possession of the suit property on the basis of partition. It is not disputed that the suit property had fallen to the share of the plaintiff on partition. The theory put forth by the defendant was that after the partition was effected, some of the properties were acquired and the plaintiff received the compensation as well as the plot in lieu of acquisition of the property. The Courts below have held that the title is proved by the plaintiff on the basis of the partition, and the appellant-defendant has failed to establish the case of relinquishment by the plaintiff of his claim in the suit property.

With the assistance of the learned counsel for the appellant, I have gone through the copy of the written statement. There is no pleading of relinquishment raised by the defendant. No document on the relinquishment of the plaintiff of his claim

in the suit property has been placed on record.

There is no substantial question of law involved in the matter. The second appeal is dismissed.

In view of this, it is not necessary to pass any order on the application for condonation of 324 days' delay caused in filing this appeal. The same stands disposed of.

Judge.

Lanjewar

CERTIFICATE

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