

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**SECOND APPEAL NO. 590 OF 2011
WITH
CIVIL APPLICATION NO.13558/2011
IN
SECOND APPEAL NO.590/2011
WITH
CIVIL APPLICATION NO.2153/2017
IN
SECOND APPEAL NO.590/2011**

Vijay s/o Narayan Deshpande

..APPELLANT

versus

Kalabai Laxman Khandare died
Through L.Rs.Shivaji Laxman
Khandare and Ors

...RESPONDENTS

Mr. S.V. Natu, Advocate for Appellant
Mr. S.S.Manale, Advocate holding for Mr.P.F.Patni, Advocate
for Respondents

**CORAM : NITIN W. SAMBRE, J.
DATED : 22nd NOVEMBER, 2017.**

ORAL ORDER :-

1. This appeal is against concurrent findings recorded by both the Courts below in relation to the prayer for perpetual injunction.
2. It appears to be position on the record that while claiming the relief of injunction, the appellant has failed to

establish his title to the suit property before the Courts below.

3. The appellant has neither entered the into the witness box nor proved the title by producing the documentary evidence.

4. In view of above, the refusal to grant perpetual injunction by the Courts below does not call for any interference. The appeal as such stands dismissed.

5. Objection of costs is waived.

6. In view of dismissal of second appeal, pending civil applications do not survive and stands disposed of.

(NITIN W. SAMBRE, J.)

mta/-