

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

SECOND APPEAL NO. 397 OF 2012

Subhashchandra Motilal Bang,
Age : 56 years, Occu. Business,
R/o Somesh Colony, Nanded,
Tq. and District Nanded

APPELLANT

VERSUS

1. Tukaram s/o Ambadas Padgilwar,
Age : 56 years, Occu. Agri.,
R/o Wadgaon, Tq. & Dist. Nanded

2. Mohd. Nisar Ahmadkhan
Mohd Israr Ahmadkhan,
Age : 29 years, Occu. Agri. &
Business, R/o Hyderabad, Nanded
Tq. & Dist. Nanded

RESPONDENTS

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Mr. Pavankumar S. Agrawal, Advocate for Appellant
Mr. A.R. Magar, Advocate holding for MR. G.P.
Shinde, Advocate for the respondents

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CORAM : SANGITRAO S. PATIL, J.

DATE : 17th JULY, 2017

ORAL ORDER :

Heard the learned counsel for the
parties.

2. The suit was for injunction simplicitor. The question of possession of the plaintiffs over the disputed land only was required to be decided by the Court. The learned Trial Judge as well as the First Appellate Court found that only one Are of land is standing in the name of the predecessors-in-title of the appellant in the column of holders and possessors in the Record of Rights. The said change in the Record of Rights has not been got rectified either by the predecessors-in-title of the appellant or the appellant.

3. The record shows that out of the suit land itself, 25 Ares of land has been recorded against the name of Mohd. Israr Ahmed Khan. As long as the said record does not support the case of the appellant, the Trial Court as well as the First Appellate Court cannot be said to have committed any mistake in refusing the relief of injunction in favour of the appellant. Moreover, there is concurrent finding of fact that possession of the predecessors-in-title of the appellant was not disturbed by the respondents. As such, I do not find any substantial question of law involved in this appeal. The appellant would be at liberty to initiate appropriate legal action

against any person, who would disturb his possession over the land that would be proved to be in his possession. With this liberty, the Second Appeal is dismissed.

4. In view of dismissal of the Second Appeal, Civil Application No. 6899 of 2012 does not survive and stands disposed of.

[SANGITRAO S. PATIL]
JUDGE