

(1)

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

**SECOND APPEAL NO. 55 OF 2013
WITH
CIVIL APPLICATION NO. 820 OF 2013
IN
SECOND APPEAL NO. 55 of 2013.**

Latur Municipal Corporation

...APPELLANT

VERSUS

Kiran Nivruttirao Gondkar

...RESPONDENT

Mr. V.D. Hon, Advocate for appellant
Mr S.V. Natu, Advocate for respondent sole.

CORAM : N.W. SAMBRE, J.

DATE : 4th August, 2017

ORAL ORDER

Heard Shri Hon, learned Senior Counsel for the
appellant Municipal Corporation.

2. The suit of the respondent/defendant for injunction,
based on title, came to be decreed, which was confirmed in Regular

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Civil Appeal No. 58 of 2011

3. The point of title is sought to be raised in the present Second Appeal, as according to the learned Counsel, the title is not proved by examining attesting witness.

4. Both the Courts below have concurrently held that witness of the appellant admitted title of respondent/plaintiff. Once title of the respondent is admitted by the appellant, the present appellant is estopped to raise an issue of title in the present Second Appeal. Second Appeal lacs merit. Hence the appeal stands dismissed.

5. As consequences, Civil Application No. 820 of 2013 also stands dismissed.

(N.W. SAMBRE, J.)

pjm