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

SECOND APPEAL NO.191 OF 2014

1. Mahadu s/o Bhaurao Jadhav,
Age : 71 years, Occu. Agriculture,
2. Madhu s/o Mahadu Jadhav,
Age : 33 years, Occu. Agriculture,
3. Subash s/o Mahadu Jadhav,
Age : 38 years, Occu. Agriculture,
4. Dnyaneshwar s/o Mahadu Jadhav,
Age : 31 years, Occu. Agriculture,
All R/o Shindkhed, Taluka Nilanga,
District Latur

..APPELLANTS
(Original Defendants)

VERSUS

1. Limbaji s/o Keshav Jadhav,
Age : 51 years, Occu. Agriculture
2. Devidas s/o Limbaji Jadhav,
Age : 21 years, Occu. Agriculture,

Both R/o Shindkhed, Taluka Nilanga,
District Latur

..RESPONDENTS

Mrs Madhaveshwari D. Thube-Mhase, Advocate for appellants;
Mr S.M. Vibhute, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 29th June, 2017

ORAL ORDER

Regular Civil Suit No.220 of 2009, which was for simpliciter injunction, came to be decreed by judgment and order dated 5th January, 2012, passed by Civil Judge Senior Division, Nilanga, which was further confirmed in appeal being Regular Civil Appeal No.6 of 2012 by judgment

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and decree dated 16th November, 2013, passed by District Judge-1, Nilanga.

2. Mrs Thube, learned Counsel appearing on behalf of the appellants-defendants would urge that judgments and decrees rendered by both the Courts below are not sustainable as the same suffer from perversity. So as to make out a case of perversity, she would bank upon the cause of action which is demonstrated in the suit, particularly as regards destroying stone bund and respective levels of lands of the parties.

3. The aforesaid issue, in my opinion, relates to appreciation of evidence in the backdrop of factual matrix. Once both the Courts below having concurrently held that the plaintiffs have established the cause and have decreed the suit, I hardly notice any substantial perversity which prompts an interference in exercise of second appellate jurisdiction. The Second Appeal against concurrent findings lacks merit and stands dismissed.

(N.W. SAMBRE, J.)

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