

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO. 570 OF 2015
WITH
CIVIL APPLICATION NO. 1272 OF 2015**

Baburao Mahadev Makvekar And Others ... Appellants
Versus

Mr. Sarjerao Krishna Khot ... Respondent

.....

Mr. Suresh S. Shah for the Appellant.

Mr. V.B. Rajure for Respondent No.1.

.....

CORAM : S.C.GUPTE, J.

DATE : 6 FEBRUARY 2017

P.C. :

. Heard learned Counsel for the parties.

2 This second appeal challenges the judgment and order passed by the District Court at Kolhapur. By the impugned judgment and order, the District Court dismissed the appeal filed by the Appellants herein and confirmed the judgment and decree passed by the Trial Court in Regular Civil Suit No.93 of 2009. The controversy between the parties involves the ownership of Appellant Nos.2 and 3 (original Defendant Nos.1 and 2) of the suit property and their entitlement to pass title in respect of the suit property in favour of Appellant No.1 (original Defendant No.3.). This essentially is a question of fact. There are concurrent findings of the fact rendered by the Courts below on this issue. No substantial question of law arises from the impugned judgment and order. The second appeal

is dismissed. No order as to the costs.

3 In view of the disposal of the second appeal, the civil application does not survive and the same is also disposed of.

(S.C.GUPTE, J.)