

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

**CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.66 OF 2016  
WITH  
CIVIL APPLICATION NO.629 OF 2014  
IN  
SECOND APPEAL NO.66 OF 2016**

Shri Vijay @ Vishal Sakharam Bhilare      ...Appellant  
(Original Defendant No.3)

vs.

Shri Govind Bhim Bachal And Others      ...Respondents  
(Resp. No.1-Orig. Plff.,  
Resp. Nos. 2 to 8-Orig. Defts.)

....

Mr. V.S. Talkute, for the Appellant.

Mr. P. Gujar, for Respondent Nos. 1A to 1C.

.....

**CORAM : S.C. GUPTE, J.**

**DATED : 13 FEBRUARY 2017**

**P.C. :**

.                      Heard learned Counsel for the Appellant.

2.                      This Second Appeal is filed challenging a judgment and order passed by the first Appellate Court confirming a decree for declaration and possession in favour of the predecessor of Respondent Nos. 1A to 1C (Original Plaintiff). The original owner of the suit property (Original Defendant No.1) had executed a sale deed in favour of the Plaintiff on 9 October 1987. The Appellant herein (Original Defendant No.3) had claimed title to the suit property through another

sale deed executed in his favour by Original Defendant Nos. 1 and 2. This sale deed was executed admittedly subsequently i.e. on 1 February 1988. The Trial Court as well as the first Appellate Court has come to the conclusion that there was a valid sale deed executed by Original Defendant No.1 in favour of the original Plaintiff and that the sale deed purportedly executed in favour of the Appellant herein had no legal effect in view of the validly executed sale deed of an anterior date. These concurrent findings of fact of the Courts below do not give rise to any substantial question of law for the consideration of this Court. There is, accordingly, no merit in the Second Appeal. The Second Appeal is, accordingly, dismissed.

3. In view of the dismissal of the Second Appeal, the Civil Application does not survive and the same is also disposed of.

( S.C. GUPTE, J. )