

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.145 OF 2016

SMT. TRIVENIBAI W/O SOMAJI MEGHARE & OTHERS
VS
NARAYAN S/O RAMAJI KHODE & ANOTHER

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. K. Sable, Advocate for the appellants.
Shri A. A. Naik, Advocate for respondent no.1.

CORAM : A.S. CHANDURKAR, J.
DATED : JUNE 14, 2017.

The appellants are the original plaintiffs who are aggrieved by the dismissal of their suit for declaration and permanent injunction on the basis of title. It is the case of the appellants that by virtue of sale deed dated 17-3-1909 they got title to the same. As the defendants were claiming ownership over the suit property, a suit for declaration came to be filed.

Before the trial Court the complete copy of sale deed dated 17-3-1909 was not filed. It was found that the plaint map and the map at Exhibit-69 did not match each other. On the other hand the sale deed at Exhibit-64 filed by the defendants indicated their title and the same was not under challenge. On that basis, the trial Court dismissed the suit. The appellate Court has affirmed the said findings.

After hearing Shri S. K. Sable, learned Counsel for the appellants and Shri A. A. Naik, learned Counsel for the respondent no.1, I find that the second appeal does not give

rise to any substantial question of law. It has been found by both the Courts that the appellants have not been able to prove their title on the basis of sale deed dated 17-3-1909. On the contrary, the defendants sale deed at Exhibit 64 supports the case of the defendants. In absence of cogent evidence in favour of the appellants, it cannot be said that they are entitled for any relief whatsoever.

Second appeal is accordingly dismissed. No costs.

JUDGE

/MULEY/