

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO.263/2017

Raghunath s/o Lahuji Wasnik and anr. ..vs.. Atul s/o Bhaskarrao Pande & ors.

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

Court's or Judge's orders.

Mr. N. R. Bhishikar, Advocate for appellants.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 4, 2017

Heard Mr. N. R. Bhishikar, Advocate for
appellants.

A suit for declaration and injunction was filed by the appellants with a prayer that the appellants have a right of way in the nature of easement of necessity as shown in the map. The learned trial Court, after appreciating the evidence found that the appellants failed their such right. Not only that, the trial Court has specifically recorded a finding that the appellants are having an alternate way. An appeal was carried by the appellants by moving Regular Civil Appeal No.18/2014. The appellate Court also noticed that the appellants have failed to prove the easement of necessity in respect of the right of way. Not only that the respondents/defendants proved that there exists an alternate way to approach their fields.

From the perusal of the impugned judgment, it is clear that both the Courts below have rightly appreciated the available evidence and documents on record. No substantial question of law arises out of the concurrent findings of facts. The appeal is therefore dismissed with no order as to costs.

JUDGE

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