

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

Second Appeal No.238 of 2015
[Bajarang s/o Januji More v. Shafakatali Hasanali (Dead), through LRs.
Liyakatali Shafakatali and others]

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

Shri A.D. Dangore, Advocate for Appellant.

Coram : R.K. Deshpande, J.
Date : 11th January, 2017

The suit for removal of encroachment was dismissed by the Trial Court. The lower Appellate Court has dismissed the appeal. Hence, the original plaintiff is before this Court in this second appeal.

The reliance was placed on Exhibit 66, the map prepared by the Patwari. The Courts below have rejected the contention based on the said map on the ground that it was not drawn on the basis of the sale-deed or any document. The map is also not found in the scale. The Court Commissioner was appointed, who submitted his report at Exhibit 55. The Courts below rely upon the report of the Court Commissioner, in which there is no encroachment shown on the part of the defendants. The map at Exhibit 55 is found to be inconsistent with the plaint map at Exhibit 66. The Courts below have also held that the plaintiff has

failed to establish his ownership over the suit property. The reliance placed upon the revenue entries, has been rejected, holding that those are not the documents of title.

No substantial question of law arises. The second appeal is dismissed.

Judge.

Lanjewar