

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Second Appeal No.437 of 2017
[Ramji Laxmansa Kakpure Vs. Janrao Shyamrao Chaudhari]

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

Court's or Judge's orders

Mr. P. R. Agrawal, Adv., for the appellant.
Mr. G.R. Sadar, Adv., for respondent.

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CORAM : A. S. CHANDURKAR, J.

DATE : 25th September, 2017

The unsuccessful defendant has preferred this appeal as he is aggrieved by the decree for possession passed by the trial Court which is confirmed by the appellate Court.

The plaintiff claims title on the basis of sale-deed dated 21st March, 1955. It was pleaded that the defendant had taken forcible possession of the suit property. The defendant had raised a plea that he was the tenant of the suit property. The issue of tenancy was accordingly framed and the Tahsildar on 12th November, 2010 answered the same against the defendant. Further appeal filed by the defendant was dismissed by the Sub-Divisional Officer on 11th June, 2012. The decree for possession passed by the trial Court on the basis of title has been maintained by the first appellate Court.

After hearing Shri Agrawal, learned counsel for the appellant, and Shri Sadar, learned counsel for the respondent, I find that both the Courts have rightly held that the plaintiff was entitled to succeed on the basis of his title. The issue of tenancy stands answered against the defendant and it has not been shown that the order of the Sub-Divisional Officer has been disturbed in further proceedings. I, therefore, find that the appeal does not give rise to any substantial question of law. Same is accordingly dismissed with no order as to costs.

Judge

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