

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

Civil Application (CAS) No.568 of 2015

In

Second Appeal Stamp No.9350 of 2015

(Sayyad Mohsinali Afsarali and others v. Sanjabrao Tulshiram Gawai 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.S. Agrawal, Advocate, holding for Shri P.B. Patil, Advocate
for Applicants/Appellants.

Shri Prasad Dharaskar, Advocate, holding for Shri Anand
Parchure, Advocate for Respondent Nos.2 and 3.

Coram : R.K. Deshpande, J.

Date : 14th February, 2017

Civil Application (CAS) No.568 of 2015 :

Heard the learned counsels appearing for the parties.

For the reasons stated in the application, the delay of
three days caused in filing second appeal, is condoned.

The civil application is allowed and disposed of.

Second Appeal Stamp No.9350 of 2015 :

Heard the learned counsels for the parties on merits of

the matter.

The suit simpliciter for grant of permanent injunction restraining the defendants from obstructing the possession of the plaintiffs over the suit property, was dismissed by the Trial Court. The lower Appellate Court has also dismissed the appeal. Hence, the plaintiffs are before this Court in this second appeal.

The Courts below are concurrent in holding that the property has not been described correctly. The plaintiffs have failed to establish their possession over the suit property. The boundaries of the property are not given, and the obstruction by the defendants is also not proved. The findings of fact recorded by the Courts below are based on the evidence available on record.

No substantial question of law arises for consideration of this Court. The second appeal is dismissed.

Judge.

Lanjewar