

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

Civil Application No.564 of 2015

In

Second Appeal Stamp No.9544 of 2015

(Sayyad Mohsinali Sfsarali and others v. Smt. Purnabai wd/o Tulshiram Gawai (Dead), through LR. Sanjabrao Tulshiram Gawai and another)

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 No.1.

Coram : R.K. Deshpande, J.

Date : 14th February, 2017

Civil Application (CAS) No.564 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.9544 of 2015 :

Heard the learned counsels for the parties on merits of

the matter.

The Trial Court dismissed the suit for title and permanent injunction restraining the defendants from interfering with the possession of the plaintiff over the suit property. The lower Appellate Court has reversed the decision of the Trial Court and the decree has been passed for a declaration that the plaintiff is the owner of Gat No.37, admeasuring 1.61 HR of land, and the defendants are restrained from disturbing the possession of the plaintiff over the suit property.

The Courts below have relied upon the allotment letter and the report of the Tahsildar to hold that the leasehold rights were granted to the plaintiffs in respect of land admeasuring 1.61 HR out of Gat No.37. The possession over the property is proved to be that of the plaintiffs. In view of this, no substantial question of law arises for consideration.

The second appeal is dismissed.

Judge.

Lanjewar