

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

SECOND APPEAL NO.467 OF 2017

Wamanrao s/o Natthusa Lohote

-vs-

Jyoti d/o Dadarao Nasurde

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

Court's or Judge's Orders.

Shri R. J. Shinde, Advocate for appellant.

CORAM : A.S.CHANDURKAR, J.

DATE : AUGUST 16, 2017

The appellant is the original plaintiff who has filed a suit for declaration that he was the owner of suit field and the defendant had no right therein.

According to the plaintiff, the defendant No.2 was his distant relative. He requested the plaintiff to permit his daughter-defendant No.1 to reside with him. Taking advantage of old age of the plaintiff it is his case that a Gift Deed was got executed on 12/04/2001 by which the suit field was bequeathed in favour of his wife. It was denied that any such Gift Deed was executed and hence the present suit came to be filed.

The trial Court on consideration of the evidence on record held that the Gift Deed was not proved to be

bogus. In view thereof it was held that the plaintiff had no title to the suit property and the suit came to be dismissed. The appellate Court has confirmed this finding.

After hearing Shri R. J. Sinde, learned counsel for the appellant, I find that defendant No.1 has proved the execution of valid Gift Deed in her favour. Said finding has been upheld while dismissing Second Appeal No.435 of 2017. In view of this finding, the appellant cannot succeed in this appeal. No substantial question of law arises. Appeal is accordingly dismissed. No costs.

JUDGE