

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

Second Appeal No.475 of 2016

(Pramod Hiranman Jadhav v. Vinod Bhikhu Rathod and another)

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

Shri R.D. Bhuibhar, Advocate for Appellant.

Shri S.Y. Deopujari, Advocate for Respondents/Caveators.

Coram : R.K. Deshpande, J.

Date : 14th March, 2017

The suit for removal of encroachment was dismissed by the Trial Court and the appeal has also been dismissed by the lower Appellate Court. Hence, the plaintiff has come before this Court in this second appeal against the concurrent findings of fact recorded by the Courts below.

The Courts below have held that the defendants claimed to be in possession of the suit property on the basis of the agreement of sale and hence the issue of encroachment does not at all survive.

The second appeal does not give rise to any substantial question of law. The same is dismissed. Needless to say that none of the observations made in the judgments and orders impugned in this appeal in respect of the correctness, legality and

validity of the agreement of sale shall come in the way of the parties in any other proceedings.

Judge.

Lanjewar