

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO. 312 OF 2015
WITH CA/5176/2016 IN SA/312/2015

KAMAL NAGNATH YERME AND ANOTHER
VERSUS
NAGORAO SAMBHAJI KOMATWAD LRS SHALU AND OTHERS

...
Advocate for Appellants : Mr. S.S. Choudhary
Advocate for Respondents No. 1/1, 1/2, 2 and 3 : Mr. A.N. Sabnis
h/f Mr. Ajinkya Reddy

...
CORAM : V.L. ACHLIYA, J.

DATED : 04th SEPTEMBER, 2018

ORDER :-

1. Heard the learned counsel for appellants - defendants and counsel for respondents – original plaintiffs. Perused the record and proceedings.
2. The appellants-original defendant Nos. 1 and 2 have preferred this second appeal against concurrent decisions rendered by the Courts below.
3. On due consideration of the submissions advanced, I am of the view no case is made out to entertain the second appeal. It is admitted fact that the entire evidence adduced by respondent Nos. 1 and 2 - original plaintiffs remained unchallenged and unshaken. The defendants fails to cross-examine plaintiffs' witnesses although the case was repeatedly adjourned by trial Court. In light of the pleadings and unchallenged evidence, the trial Court has decreed the suit. In first appeal, the Judgment

and order passed by the trial Court has been confirmed after thorough scrutiny of evidence. The First Appellate Court found no infirmity in the reasons and findings recorded by the trial Court.

4. Considering the submissions made, I am of the view that no substantial questions of law involved in the appeal. No case is made out to entertain the Second Appeal against concurrent decisions rendered by the Courts below, therefore, I am not inclined to admit the appeal. The Second Appeal stands dismissed. The record and proceedings of respective Courts below be sent back.

5. Civil Application, if any, pending stands disposed of in terms of order passed in Second Appeal.

Sd/-

(**V.L. ACHLIYA, J.**)

MTK.