

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.197 OF 2018
WITH
CIVIL APPLICATION NO.508 OF 2018**

Sukhdeo Naga Kamble ..Appellant

vs.

Vasant Naga Kamble & Ors. ...Respondents

Mr. Rajepandhare S.P. for the Appellant.
Mr.Rohan Barge for the Respondent No.1.
Mr.Surel S. Shah for the Respondent No.2.

**CORAM : A. M. DHAVALA, J.
DATE : 11th SEPTEMBER, 2018.**

P.C.:

. Heard learned counsel for the appellant. This second appeal is by the original Defendant No.1 against the concurrent finding of both the lower Courts. Regular Civil Suit No.39/2010 was filed by the Respondent No.1 claiming 1/4th share in the property standing in the name of his deceased brother. Respondent No.1 and the Defendant Nos.1 to 3 are the real brothers. The property was purchased by the Defendant No.1 in the name of the deceased brother and therefore he was the exclusive owner thereof. This defence was not accepted by both the Courts below. On hearing the advocates it is apparent that the defence raised does not fall in any of the exceptions under section 4 of Benami Transaction Prohibition Act, 1988. Therefore no substantial question of law is involved. Hence, appeal is dismissed. Civil Application stands disposed of.

(A. M. DHAVALA, J.)