

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

SECOND APPEAL NO.655 OF 2016

Smt. Yashodabai Rajaram Jadhav ..Appellant

V/s.

Ramesh Ganpatrao Jadhav & ors ..Respondents.

Mr.Mandar Limaye for the Appellant.

CORAM : N.M. Jamdar, J.

DATED : 9 January , 2018.

ORAL ORDER

. Heard learned counsel for the Appellant.

2. The Appellant / Original Plaintiff has challenged the Judgments and Orders passed by the learned Civil Judge, Junior Division, Miraj and the learned District Judge, Sangli to the extent that the Courts have refused the prayer of the Appellant / Original Plaintiff in respect of declaration of ownership.

3. The Appellant filed a Regular Suit No.325 of 1994 seeking the relief of declaration as regards ownership and perpetual

injunction. The learned Civil Judge by the Judgment and Order dated 23rd November, 2007 partly decreed the suit and reused the relief of declaration of ownership. However, based on possession of the Appellant, the Respondents were restrained by an order of injunction. Regular Civil Appeal No.30 of 2008 was filed by the Appellant / Original Plaintiff which was dismissed by the learned District Judge by Judgment and Order dated 12th February, 2016.

4. Since the Appellant is aggrieved only on the aspect of declaration of ownership, that is a limited issue to be considered in this Second Appeal. Both the Courts have recorded a finding that the Appellant failed to produce any title deed in respect of the suit property. Nothing is shown as to how this finding is wrong. It is settled position of law that mere entries in the revenue record will not confer any title. An alternate plea of adverse possession was taken. However, it has rightly held by the learned District Judge that there cannot be a suit for declaration that the person has become owner by way of adverse possession. Therefore, both the Courts have rightly dismissed the claim of the Appellant for declaration of ownership.

5. No question of law arises in the Second Appeal. Second Appeal is accordingly dismissed.

(N.M. Jamdar, J.)