

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.19 OF 2018
ALONG WITH
CIVIL APPLICATION NO.1766 OF 2017

Narayan Namdeo Shirsat	 Appellant/Applicant
V/s.	
Shantaram Narayan Raut	 Respondent

Mr. Bhushan U. Deshmukh for the Appellant-Applicant.

Mr. Sachin Gite for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 16TH APRIL, 2018.

P.C. :

1. Heard Mr. Deshmukh, learned counsel for the Appellant-Applicant, and Mr. Gite, learned counsel for the Respondent.

2. The Suit was filed by the Respondent for recovery of possession of the suit property, mandatory injunction and mesne profit under the provisions of Transfer of Property Act, 1882.

3. The Trial Court and the Appellate Court had recorded a concurrent finding on the basis of appreciation of evidence on record that, it was a month-to-month lease. The issuance of notice of termination dated 1st

December 2011, its receipt and validity of the said notice is also not disputed by the Appellant, either before the Trial Court or before the Appellate Court. In such situation, there remains nothing further to be adjudicated. No substantial question of law or fact is involved in the present case.

4. In view thereof, the Second Appeal stands dismissed.

5. As a result, Civil Application No.1766 of 2017, pending in the Second Appeal, does not survive and the same stands disposed of as infructuous.

[DR. SHALINI PHANSALKAR-JOSHI, J.]