

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

SECOND APPEAL NO.229 OF 2018

(Sopan Tukaram Moon (Dead) Sheshrao Sopan Moon Vs. Sahadeo Jyotiram Ganvir
and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri A.S. Moon, Advocate for Appellant.
Shri Mahesh Rai, Advocate for Respondents 1 & 2.

CORAM: ROHIT B. DEO, J.

DATE: 21st NOVEMBER, 2018.

Heard.

2] The appellant is the plaintiff in Regular Civil Suit 52/2008 in which decree for permanent injunction is sought restraining the defendants – respondents herein from disturbing the possession of the appellant – plaintiff qua the suit property.

3] The suit is dismissed by the Joint Civil Judge, Junior Division, Samudrapur by judgment and decree dated 21.12.2012. One of the findings recorded is that the plaintiff admitted in the evidence that the suit property is in possession of the defendants. The learned Trial Court held that in the teeth of this admission suit for injunction simpliciter was not maintainable. The judgment and decree of the Trial Court is affirmed by the District Judge-1, Hinganghat in Regular Civil Appeal 32/2017.

4] No error is committed by the courts below.
No question of law much less substantial of law is involved
in this appeal preferred under section 100 of the Code of
Civil Procedure.

5] The appeal is dismissed.

JUDGE