

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

CIVIL APPLICATION (CAS) NO.518 OF 2017  
IN  
SECOND APPEAL ST. NO.22546 OF 2016

Sadhulal s/o Kisan Chavan, Ghatanji, Dist. Yavatmal

-vs-

Ramchandra s/o Bhikarya Chavan, Ghatanji, Dist. Yavatmal

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Shri N. B. Bargat, Advocate for applicant/appellant.  
Shri C. N. Deshpande, Advocate for respondent.

**CORAM : A.S.CHANDURKAR, J.**  
**DATE : February 16, 2018**

Though the prayer for condonation of delay is opposed by learned counsel for the non-applicant, the delay in filing the second appeal stands condoned.

Civil Application is allowed and disposed of.

**Second Appeal St. No.22546 of 2016**

This appeal has been filed by the original defendant who is aggrieved by the decree for possession passed by the trial Court and confirmed by the first Appellate Court.

It is submitted on behalf of the appellant that the suit was barred by limitation in view of the fact that the defendant was in possession of the suit property since the year 2005. According to the defendant by virtue of Gift Deed dated 25/01/1989 the suit property was

transferred in his favour by the plaintiff.

On perusing the impugned judgment it can be seen that the Courts have held that the suit had been filed within limitation. As the defendant failed to establish that the Gift Deed was executed in his favour on 25/01/1989. The mutation entry in the name of the defendant has been found to be without any basis. While recording that finding both the Courts have taken into consideration the evidence led by the parties. The appreciation of evidence does not appear to be perverse.

The Second Appeal therefore does not give rise to any substantial question of law. Same is therefore dismissed. No costs.

**JUDGE**