

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 SECOND APPEAL NO.242 OF 2019

ACHYUTRAO VITHALRAO SURYAWANSHI
VERSUS
ANNARAO VENKATRAO SURYAWANSHI

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Advocate for Appellant : Mr.Gopal C.
Navandar, Advocate holding for Mr.D.B.Bhange

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CORAM : V.L.ACHLIYA, J.
DATE : 01.08.2019

PER COURT:

1] Being aggrieved by the concurrent decisions rendered by the Courts below, the appellant has filed this Appeal.

2] Heard learned counsel for the appellant. Perused the decree passed by the trial Court and confirmed in Appeal.

3] On due consideration of the submissions advanced in the light of the judgment and order passed by the trial Court and confirmed in Appeal, I am of the view that Appeal raises no substantial questions

of law. Perusal of the judgment and decree passed by the trial Court spell out the trial Court has closely analyzed evidence adduced in the case. On due appreciation of rival pleadings and evidence adduced reached to conclusion that the plaintiff has proved his case and accordingly decreed the suit in his favour.

4] The defendant i.e. appellant though taken a stand that the suit property allotted to him failed to produce any evidence to prove the suit property allotted to him as per case pleaded in written statement. The trial Court has observed that in cross examination the defendant i.e. appellant has specifically admitted that no plot from Survey No.30/A was allotted to him. On the contrary the plaintiff has adduced cogent and convincing evidence to prove his case.

5] In the light of over all facts of

the case and the evidence adduced in the case, the trial Court has decreed the suit, which has been confirmed in appeal. In that view, appeal raises no substantial questions of law so as to entertain the appeal. I am, therefore, not inclined to entertain the Appeal. Accordingly, Appeal is dismissed with no order as to costs.

6] In view of disposal of Appeal, Civil Application No.5252/2019 does not survive and the same stands disposed of accordingly.

[V.L.ACHLIYA]
JUDGE

DDC