

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 590 OF 2015

Jeevan Appa Narvekar

....Appellant

V/s.

Maruti Bhausahab Sawant (since
decd. Thr. Lrs).

....Respondent

* * * *

Mr. Kuldeep U. Nikam, Advocate for the appellant.

None for the respondent.

CORAM : SANDEEP K. SHINDE, J.

Monday, 11th February, 2019.

P.C. :

1. Heard learned Counsel for the appellant.
2. The appellant-plaintiff had filed a suit for perpetual injunction on 16th April, 1990. The suit was dismissed by the trial Court having found that the plaintiff had lost his possession in the year 1990. A finding of fact is recorded by the trial Court that the contesting respondents

were in possession of the suit land on the basis of the sale-deed dated 18th January, 1990. In view of the evidence, the trial Court dismissed the suit and the said decree was upheld in Regular Civil Appeal No. 378 of 2008. It is against the decree passed in the said Regular Civil Appeal, the plaintiff has preferred this Appeal. I have gone through the judgments of the Courts below with the assistance of the learned Counsel for the appellant. Pre-dominantly, a finding of fact is recorded by the Courts below that the plaintiff had failed to prove his possession in the suit land. A finding is also recorded that the contesting defendants were in possession on the basis of the registered sale-deed dated 18th January, 1990. This finding is consistent with the evidence on record.

3. The Appeal therefore does not give rise to any substantial question of law. The Appeal is accordingly dismissed.

(SANDEEP K. SHINDE, J)