

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 344 OF 2014
WITH
CIVIL APPLICATION NO. 233 OF 2019

Shri Dnyaneshwar Haribhau Taware and ors. .. Appellants
Vs.

Shri Namdeo Kashinath (Kashiba) Taware
Since deceased thru. Lrs.

1a. Mrs.Zumbarabai Vitthal Jadhv and ors. .. Respondents

Mr.Sukumar r.Ghanvat, for the Appellants.

CORAM : M.S.KARNIK, J.

DATE : 08th JULY, 2019

P.C. :

. The appellants are the original plaintiffs. By this Appeal, the order dated 10/12/2013 passed by the 4th Additional District Judge, Small Causes Court & Addl. Civil Judge, Senior Division, Pune. The plaintiffs have filed Suit for declaration and injunction. The Trial court by the impugned order observed that the plaintiffs failed to prove the adoption of plaintiff No.2. It further held that claim of plaintiff No.2

regarding adoption is not acceptable. The trial Court prima facie was of the view that documents in order to establish that plaintiff No.2 was adopted by defendant No.1 are not brought on record. Moreover it nowhere stated as to when plaintiff No.1 adopted plaintiff No.2. In fact there are documents on record indicating that plaintiff No.2's natural name is entered and not the name after adoption.

2. I have gone through the findings of the trial Court. I do not see any reason to interfere with the said order rejecting the application for temporary injunction restraining the defendants from creating third party interest. Appeal is dismissed.

3. However, I find the Suit is of the year 2013. The Trial Court is requested to expedite the Suit.

(M.S.KARNIK, J.)