

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.79 OF 2018
WITH
CIVIL APPLICATION NO.1898 OF 2017**

Anand Tippanna Patil ... Appellant
Versus
Savita Satish Kumbhar & ors. ... Respondents

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None for the Appellant.
Appellant Shri Anand Tippanna Patil present in the Court.
Mr. U. R. Mankapure for the Respondent Nos.1 and 2.

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CORAM : M. S. KARNIK, J.

DATE : 23rd JULY, 2019.

P. C.:

1. The appellant filed Special Civil Suit No.196 of 2012 for possession of the suit flat and mesne profits. It is the case of the appellant-plaintiff that the respondents are gratuitous licensees and therefore the appellant is entitled to possession of the suit flat. It is the case of the respondents-original defendants that the suit flat was sold to the respondents by an agreement of sale dated 13.12.2010. The suit for specific performance of the said agreement of sale is already decreed by judgment and order dated 25.1.2016 passed in Special Civil Suit No.211 of 2012 by

the Civil Judge (Senior Division), Sangli. The decree has been confirmed by the First Appellate Court. The Second Appeal No.52 of 2018 filed on behalf of the appellant has also been dismissed today. As the suit for specific performance filed on behalf of respondent has succeeded, the present Appeal must fail.

2. In this view of the matter, I do not find any reason to interfere with the concurrent findings recorded by the Courts below.

3. Second Appeal is dismissed as no substantial question of law is involved.

4. In view of the dismissal of the Second Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of accordingly.

(M. S. KARNIK, J.)