

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

Second Appeal No.130 of 2018
(Manohar Sukhdeorao Chawke .vs. Ms. Kanta Ramesh Chawke)

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

Mr. R.L. Khapre, Advocate for Appellant.

CORAM : Manish Pitale, J.
DATED : September 04, 2019.

The appellant (original defendant) has filed this appeal challenging concurrent orders by the passed by the two Courts below thereby suit filed by the respondents (original plaintiffs) for possession of the suit property has been decreed.

2. The respondents have filed the suit claiming possession on the basis of title and it was found by the Courts below that the defence taken by the appellant that the suit property was ancestral property was not supported by evidence and material on record. Findings were rendered by the Courts below to the effect that the respondents had been able to prove that the suit property was jointly purchased and that partition had taken place in respect of the suit property. It was found that the appellant failed to prove that he had been unauthorisedly dispossessed by the respondents. On the basis of such evidence, the suit was decreed which was confirmed by the appellate Court by dismissing the appeal filed by the appellant. The appellate Court also specifically found that the contention raised by the

appellant that name of Subhadrabai was nominally included in the sale deed dated 14.01.1992 could not be established by the appellant.

3. The learned counsel appearing for the appellant has contended that the Courts below erred in rejecting the assertion of the appellant that the suit property was ancestral property. But, a perusal of the finding rendered by the two Courts below concurrently passed on the appreciation of the evidence and material on record shows that no error can be attributed to the said finding rendered against the appellant.

4. In view of the above, no substantial question of law arises in the present appeal and accordingly it is dismissed.

JUDGE

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