

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

SECOND APPEAL NO.301 OF 2018

(Mahadeo s/o Champatrao Karluke and another ..vs.. State of Maharashtra, through its Collector,
Wardha and others)

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

Court's or Judge's orders

Shri S.V. Sohoni, Counsel for the appellants.

CORAM : ROHIT B. DEO, J.

DATED : 29-03-2019

Heard Shri S.V. Sohoni, learned Counsel for the appellants.

2. The appellants, who are original plaintiffs in Regular Civil Suit 160/2010 are challenging the dismissal of the suit by the trial Court and the dismissal of the Regular Civil Appeal 160/2010 by the Principal District Judge, Wardha.

3. The property in dispute is an agricultural field which according to the plaintiffs is assigned Survey 365/1. The plaintiffs contend that the said agricultural field is purchased by plaintiff 1 by sale-deed dated 07-4-1998. The case of the plaintiffs is that in collusion with the Talathi, defendants 2 and 3 manipulated the revenue record to show that the agricultural field purchased by defendants 2 and 3 in the year 2003 is agricultural field bearing Survey 365/1.

4. Concededly, the plaintiffs and defendants 2 and 3 have purchased their respective lands from the same vendor. Both the Courts below have concurrently held that plaintiff 1 has not purchased field Survey 365/1 and has, as a fact, purchased a different suit field Survey 365/3. The finding of fact recorded concurrently is unexceptionable. Be it noted that plaintiff 1-Mahadeo admitted during the cross-examination that field Survey 365/1 is in possession of defendants 2 and 3.

5. The appeal does not involve any question of law much less substantial question of law, and is dismissed with no order as to costs.

JUDGE

adgokar