

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

**SECOND APPEAL NO.354 OF 2018**

(Shri Sevaram s/o Bastiram Bhutada .vs.. Shantilal s/o Premasukhdas Bhutada)

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

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Shri G.G. Mishra, Counsel for the appellant.

**CORAM : ROHIT B. DEO, J.**

**DATED : 02-04-2019**

The original defendant, who has suffered decree of possession in Regular Civil Suit 12/2010 decided by the Civil Judge (Junior Division) Jalgaon Jamod by judgment and decree dated 02-5-2012 and whose first appeal is dismissed by the *Ad hoc* District Judge-1, Khamgaon, District Buldhana by judgment and decree dated 13-2-2018, has preferred this appeal under Section 100 of the Civil Procedure Code.

2. Both the Courts have concurrently held that the defendant is a permissible occupant qua the suit property which is one room of residential house which the plaintiff has purchased by sale-deed dated 05-1-2001.

3. Shri G.G. Mishra, learned Counsel for the defendant would submit that the findings of fact, though concurrently recorded, are perverse.

4. However, this Court finds that the findings of fact

are recorded on the basis of evidence on record and do not suffer from any infirmity much less perversity.

5. In this view of the matter, there is no question of law involved much less substantial question of law.

6. The appeal is dismissed with no order as to costs.

**JUDGE**

*adgokar*