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

**SECOND APPEAL NO. 166 OF 2018
WITH
CIVIL APPLICATION NO. 1659 OF 2018
IN
SECOND APPEAL NO. 166 OF 2018**

Sou. Kamal Namdeo Taru

.....Appellant

V/s.

Krishnaji Ramaji Gujar (Deceased
through LR's) and others

.....Respondents

Mr. Kuldeep U. Nikam for the appellant

CORAM : NITIN W. SAMBRE, J.**DATE : JANUARY 6, 2020.****P.C.**

Heard.

2 Regular Civil Suit No. 206 of 2011 came to be initiated by the appellant-plaintiff for perpetual injunction claiming to be in possession of suit property. Possession sought to be justified based

on mutation entry which was subsequently set aside.

3 In the aforesaid background, the submissions is, respondent no. 1 to the Appeal since has failed to establish his lawful possession, the Court below has committed an error in recording a finding that appellant's possession was not duly established.

4 If the aforesaid submission of the appellant is appreciated, it is required to be noted that the appellant was original-plaintiff and the suit in question is based on alleged established possession of the appellant-plaintiff.

5 The fact remains that mutation entry which was earlier recorded in favour of appellant-plaintiff was already set aside by the revenue authorities.

6 In absence of any title document or any resolution passed by respondent no. 2-Cooperative Society, both the Courts below were right in rejecting the claim of the appellant. No case for interference

is made out.

7 Second Appeal stands rejected.

8 As a consequence, pending Civil Application also stands disposed of.

[NITIN W. SAMBRE, J.]