

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO.280 OF 1992

RAMRAO HARIBA JADHAV.
VERSUS
VITTHAL MADHAVRAO JAGTAP

...

Advocate for Appellant : Mr. Shomitkumar Salunke h/f. Mr. S.S. Choudhari

...

CORAM : MANGESH S. PATIL, J.

DATE : 24.02.2022

PER COURT :

Adjournment is being sought on behalf of the appellant by learned advocate Mr. Salunke holding for Mr. Choudhari for the appellant.

2. This is a Second Appeal admitted long back and awaiting final hearing.

3. As can be seen, the appellant is the original plaintiff who was seeking declaration about his being the exclusive owner of the suit property and for perpetual injunction, both the courts below recorded consistent finding against him.

4. Pertinently by the order dated 25.03.2015 the Second Appeal has already been dismissed as against the respondent Nos.1 and 3 who are the original defendant Nos.1 and 2. It cannot be said that the cause of action would survive to the surviving respondents alone.

5. Request is rejected. The Appeal is dismissed.

(MANGESH S. PATIL, J.)

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