

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

SECOND APPEAL NO.137 OF 2022

Jijabapu Raghunath Pund & ors. ... APPELLANTS

VERSUS

Santosh Baban Pund & ors. ... RESPONDENTS

.....
Shri R.S. Kasar, Advocate for appellants

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CORAM : R. G. AVACHAT, J.

DATE : 21st JUNE, 2022.

PER COURT :

This Second Appeal has been filed by the original plaintiffs, who filed the suit (Regular Civil Suit No.377/2012) for declaration that the sale deed dated 8/2/2008, was got executed by practicing fraud on deceased Raghunath. Consequential prayer for possession of the suit land was also made. The trial Court dismissed the suit. The first appellate Court has confirmed the judgment and order/ decree dismissing the plaintiffs' suit.

2. On hearing the learned Advocate for the appellants herein, this Court found no substantial question of

law to have been involved in this appeal. It is a case of concurrent findings of facts. The deceased Raghunath did not file suit challenging the sale deed executed by him. It is only on his demise his children came with the suit. An application was moved to the revenue authorities for cancellation of the mutation entry that took place pursuant to the sale deed. The ground in the application for cancellation of the mutation entry was that the purchasers/ respondents have not paid entire consideration amount. Both the Courts below have found the plaintiffs to have not given the details of the alleged fraud in the plaint and in evidence as well.

3. It is reiterated that, after having gone through the judgments of both the Courts below, this Court finds no substantial question of law to have been involved therein. The Second Appeal is, therefore, dismissed.

(R. G. AVACHAT)
JUDGE

fmp/-