

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

SECOND APPEAL NO.487 OF 2021

Sainath Namdeo Bajgire

..Appellant

Vs.

Prakash Sharnappa Goge
and anr.

..Respondents

Mr.U.B.Bilolikar, Advocate for appellant

**CORAM : R.G. AVACHAT, J.
DATE : JUNE 30, 2022**

ORDER :-

This is original plaintiff's Second Appeal. The trial Court has dismissed his suit for the relief of declaration that he is owner and in possession of the suit land. The first appellate Court has confirmed the judgment and decree passed by the trial Court.

2. Learned counsel for the appellant would submit that no sooner the appellant came to know that he is owner of the suit land, he immediately rushed to the Court and filed the suit. According to him, since the appellant is in possession of the suit land, both the courts below erred in observing that the suit was barred by limitation.

He also tried to contend that no permission of the Court was obtained for sale of minor's property, i.e. plaintiff.

3. Perused both the judgments delivered by the trial Court and the first appellate court as well. It is the case of the appellant/plaintiff that his father had purchased the suit land in his name way back on 11.03.1970. Since then, he has been in possession of the suit land. The record, however, speaks other way round. The father of the appellant/plaintiff sold the very land in 1971 itself. Both the Courts below held the respondents/defendants to have been in possession of the suit land pursuant to the said sale deed. The plaintiff has filed suit in the year 2011, i.e. 40 years after his father sold the land, which was purchased in his name by the father himself.

4. No substantial question of law is involved in this Second Appeal. The appeal is, therefore, dismissed.

[R.G. AVACHAT, J.]

KBP