

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

28 SECOND APPEAL NO.139 OF 2021

**RAJU ARJUN JOGDAND
VERSUS
KONDABAI ARJUN JOGDAND AND OTHERS**

...

Advocate for Appellants : Mr. Adkine Sonaji K.
Advocate for Respondent : Mr. Kamble Dinkar G.

CORAM : MANGESH S. PATIL, J.
DATE : 14.02.2022.

PER COURT :

Heard both the sides.

2. The appellant is the original plaintiff seeking to challenge concurrent findings of the courts below holding him not entitled to claim declaration of the deed of adoption, whereby his deceased father and original defendant No. 1 who was his mother adopted the original defendant No. 3 allegedly executed in the year 1983 albeit registered in the year 1988 as null and void on various grounds.

3. After hearing the learned advocate Mr. Adkine for the appellant it transpires that apart from merits, the trial court had dismissed the suit even on the ground that it was barred by limitation since in view of article 57 of the Limitation Act, 1963, the suit was not filed within three years from the date of knowledge of the appellant/plaintiff regarding existence of such deed. The lower appellate court has also concurred with such finding and has pointed out that even according to appellant he got the knowledge about existence of deed of adoption in the year 2006 when he applied for appointment on compassionate ground in the year 2006 in place of his deceased father who was in employment of Municipal Council Parbhani.

4. Both the courts below have recorded a concurrent finding of fact about appellant's knowledge regarding existence of the deed of adoption beyond the period of three years next before filing of the suit, it was clearly barred under article 57 of the Limitation Act.

5. In my considered view no substantial question of law arises for determination of this Court.

6. The second appeal is dismissed in limine.

(MANGESH S. PATIL, J.)

mkd/-