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

**SECOND APPEAL (ST) NO. 2654 OF 2020
WITH
INTERIM APPLICATION NO. 1830 OF 2020**

Suryakant Bapu Suryawanshi & Ors. ..Appellants
Versus
Jaysingh Baburao Sandage & Anr. ..Respondents

Mr. Manish S. Kelkar, for the Appellants.
Mr. Vijay Killedar, for Respondent Nos.1 & 2.

CORAM : NITIN W. SAMBRE, J.

DATE : 14th November, 2022

PC.

1. This appeal is by the plaintiff against concurrent findings.
2. The appellants filed a suit under Section 38 of the Specific Reliefs Act for declaration and injunction.
3. The Trial Court vide judgment and order dated 29th October, 2007 dismissed the suit which findings are affirmed in First Appeal by the Appellate Court i.e. in Regular Civil Appeal No.412 of 2007 on 16th August, 2019.
4. The question of law which the counsel for appellants,

Mr. Manish S. Kelkar would like to address is, whether both the Courts below have committed an error in ignoring the affidavit of the owner of the property Anusaya i.e. Exhibit-13. Counsel for the respondents would oppose the prayer based on the findings recorded by both the Courts below.

5. The fact remains that the Tenancy Court has already recorded findings against the appellants holding them not to be the tenants under the provisions of Maharashtra Tenancy and Agricultural Lands Act.

6. Apart from above, neither the appellants nor the respondents have examined said Anusaya as witness and as such, she has not supported the case of the appellants.

7. As such, the said document i.e. alleged affidavit given by Anusaya will be of hardly any significance. That being so, the present second appeal sans involvement of any question of law.

8. As such, the second appeal stands dismissed.

9. Pending interim application also stands disposed of.

[NITIN W. SAMBRE, J.]