

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

SECOND APPEAL NO.323 OF 2021

GOVIND SOPAN BHONG
VERSUS
BALI KRUSHNA BHONG AND OTHERS

...
Advocate for Appellant : Mr. M. L. Dharashive
...

CORAM : R.M. JOSHI, J

DATE : APRIL 21, 2023

PER COURT :

1. This appeal is filed against concurrent judgments and decrees passed by Trial Court in R.C.S. No. 525/2012 dated 23.01.2018, which is confirmed in R.C.A. No. 33/2018 on 23.06.2020.

2. Plaintiff filed suit claiming that he is owner of the suit property bearing Survey No. 93/b admeasuring 3H 51R, Survey No. 94/C admeasuring 1H 67R and Survey No. 5/C admeasuring 83R, situated at village Jayfal, Tq. Ausa. It is the case of Plaintiff that he is owner of the suit properties. It is specifically stated that the Defendants are not related to the Plaintiff in any way and they did not have any right and title in the suit properties. The said contention is denied by the Defendants with the claim that it is

ancestral property of the Defendants and that they are owners and in possession thereof.

3. The claim of the Plaintiff solely rests on the contention that there is a revenue entry in his name in respect of suit property. Except for this, there is no other evidence brought on record by Plaintiff to substantiate his claim regarding title and possession over it. As against this, Defendants have placed on record evidence showing that suit properties are their ancestral properties and Defendants have inherited the same.

4. Pertinently Plaintiff does not claim in his plaint source of his title. He vaguely states that he is owner of suit property. For want of specific pleadings and any amount of evidence laid could not be considered. Trial Court held that on the basis of revenue entry Plaintiff cannot acquire any title in respect of the suit properties. As against this, Defendants have shown their title as well as possession over the suit properties.

5. In the circumstances, no fault can be found

with the order of dismissal of suit. The judgment of the First Appellate Court confirming the said order is passed after considering pleadings of the parties and material evidence on record.

6. This Appeal is under Section 100 of CPC and unless Appellant shows that there is any perversity in the findings recorded by the Courts below with regard to the evidence on record and also involvement of any substantial question of law, Appeal cannot be entertained. Resultantly, Appeal stands dismissed with cost.

(R.M. JOSHI, J.)

Malani