IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.37 OF 2021
WITH CA/1053/2021 IN SA/37/2021

Dnyanoba s/o. Mahadev Kamble,
Age 59 years, Occu. Labour,
R/o. Parlives, Ambajogai,
District Beed .. Appellant
(Original Plaintiff)

Versus

1. Kumar s/o. Rajaram Vede,
Age 52 years, Occu. Business-Vitbhatti,
Parlives, Bhimnagar, Ambajogai,
District Beed

2. The Chief Officer,
Municipal Council, Ambajogai,
Taluka Ambajogai, District Beed .. Respondents
(Original Defendants)

Mr. Angad L. Kanade, Advocate for Appellant

CORAM : S. G. MEHARE, J.

DATE : 30-10-2023

PER COURT :-

1. Heard the learned counsel for the appellant.

2. The appellant is the original plaintiff. He has filed suit for perpetual injunction against the respondents/original defendants.

3. The plaintiff has a case that suit plot is his ancestral property. However, the respondents were disturbing his possession. Hence, perpetual injunction restraining the respondents from disturbing his possession may be issued.

4. The learned trial Court framed the relevant issues and held that the plaintiff is not in lawful possession of the suit property and there was no obstruction to his possession caused by the respondents. The learned trial Court appreciated the documents, i.e. the tax receipts and tax assessment forms. Appreciating the oral and the documentary evidence, both Courts held that the appellant/plaintiff did not prove his title and there was no obstruction.

5. The learned counsel for the appellant submits that the learned first Appellate Court considered the document of tax receipt and assessment list and held one another person was also the owner of the suit property. He would also submit that in the earlier suit against respondent No.1, an injunction was issued. He has vehemently argued that the suit property is in his possession since long. He would submit that the issue of lawful possession of the appellant over the suit land is the substantial question of law involved in the appeal.

6. Perused the impugned judgments and orders.

7. Considering the case of the appellant, issue as regards the lawful possession and title over the suit property were considered by both Courts. The findings of both Courts that the extract of tax receipt and assessment list is not the proof of title. Both Courts have correctly appreciated the evidence and passed impugned

judgments and decrees.

8. Considering the facts and circumstances of the case and findings recorded by both Courts, this Court is of the view that no substantial question of law has been involved in the appeal.

9. Hence, the appeal stands dismissed at the admission stage.

10. Pending civil application also stands disposed of.

(S. G. MEHARE)
JUDGE

rrd