

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

SECOND APPEAL NO. 593 OF 2015

Shri. Deepak Maruti Surve & Anr.	...Appellants
Versus	
Shri. Hemantkumar Gopinath Haldavanekar & Ors.	...Respondents

Mr. Sachin P. Shetye, for the Appellants.

CORAM : MADHAV J. JAMDAR, J.
DATED : 17th JULY 2023

P.C. :

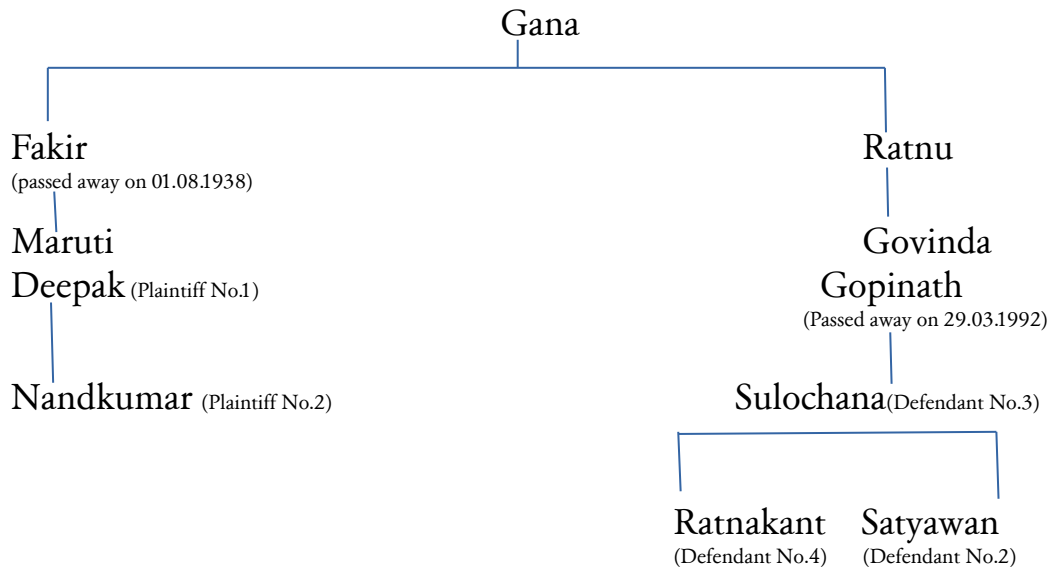
1. Heard Mr. Shetye, learned counsel appearing for the Appellants.
2. Mr. Shetye submitted that the following substantial question of law is involved in the present Second Appeal:-

“Whether the findings of both the Courts to the effect that the Plaintiffs failed to prove that the suit property is their ancestral property is in accordance with evidence on record”?

3. Before considering the substantial question of law raised by Mr. Shetye, learned counsel appearing for the Appellants, it is necessary to

set out certain factual aspects:-

4. The genealogy of the family is as under:-



5. Undisputedly, on 9th December 1999, the Defendant Nos. 2 to 4 sold the suit property by registered Sale Deed to the Defendant No.1.

6. The learned Trial Court dismissed the suit on the ground of limitation and also on the ground that no documentary evidence is produced by the Plaintiffs to show that the suit property is ancestral property. The learned First Appellate Court also dismissed the Appeal confirming the findings recorded by the learned Trial Court particularly that the Plaintiffs failed to prove that the suit property is the ancestral property.

Sonali

7. The learned Appellate Court in paragraph Nos. 12 and 13 discussed the evidence on record and came to the conclusion that Plaintiffs have failed to prove that the suit land is their undivided ancestral land. The Courts below have observed that the Appellants have only produced 7/12 extract which shows that the Defendant No.1 is the owner of the suit property. Both the Courts have discussed the evidence in detail and recorded the finding that there is no documentary evidence which has been brought on record to show that the suit property is ancestral property.

8. Mr. Shetye, learned counsel appearing for the Appellants has failed to point out any documentary evidence which has been brought on record establishing that suit property is ancestral property.

9. Therefore, there is no substance in the substantial question of law raised by Mr. Shetye, learned counsel appearing for the Appellants. Accordingly, the Second Appeal is dismissed however, with no order as to costs.

[MADHAV J. JAMDAR, J.]