

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

**SECOND APPEAL NO.395 OF 2022
WITH
INTERIM APPLICATION NO.2929 OF 2022**

Sampat Ganpati Sawant (Mahar)	...Appellant
Versus	
Shantaram Kundalik Hasabe & Ors.	...Respondents

Mr. Kuldeep U. Nikam, for the Appellant.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 3rd JANUARY 2023**

P.C. :

1. Heard Mr. Kuldeep Nikam, learned counsel appearing for the Appellant. He submitted that following substantial question of law is involved in this Second Appeal:-

“Whether finding recorded by the learned Trial Court and the learned First Appellate Court that Defendant No.2 proved that Gat No.565/2 was alienated for legal necessity is in accordance with the evidence on record?”

2. Both the Courts i.e. the learned Trial Court and the learned First Appellate Court have recorded the finding that the said property i.e. Gat No.565/2 was alienated for legal necessity.

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3. For arriving at the said conclusion, both the Courts have relied on the recitals in the registered Sale Deed dated 28th November 2003. The recitals in the registered Sale Deed specifically states that the property was sold for payment of loan taken from various persons. At the relevant time, Defendant No.1 who is the father of the Plaintiff was 80 years old. He sold the property by taking permission from the Collector. Therefore, there is no substantial question of law involved in this Second Appeal as submitted by the learned counsel for the Appellant.

4. Second Appeal is dismissed with no order as to costs.

5. In view of the dismissal of the Second Appeal, nothing survives in the Interim Application and the same is disposed of as such.

[MADHAV J. JAMDAR, J.]

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