

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

**SECOND APPEAL NO. 526 OF 2018
WITH
CIVIL APPLICATION NO. 543 OF 2019
IN
SECOND APPEAL NO. 526 OF 2018**

Chindu Sayaji Gangurde (since
deceased through legal heirs) :
Ambu Chindu Gangurde and ors.

.... Appellants

v/s.

Shri. Ganpat Dhondi Wankhede and ors.

.... Respondents

Ms. Rukmini Khairnar i/b. PN. Joshi for the Appellants.
Mr. Bhushan Deshmukh a/w. Mr. Vedant Bende for the Respondent
No.1.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th OCTOBER, 2023.

P. C. :-

. This is an Appeal under section 100 of the Civil Procedure Code, challenging the judgment dated 08/08/2017 in Regular Civil Appeal No.24/2009. By the impugned judgment, the First Appellate Court dismissed the Appeal and confirmed the judgment and decree dated 17/12/2008 dismissing the Regular Civil Suit No.15/1999.

2. The Appellants herein had filed a suit for perpetual injunction

claiming to the owner of Block No.51 admeasuring about 1H 0.8 R. The Appellants – plaintiffs have alleged that the Respondent Nos.1 and 2 had tried to obstruct and interfere with their possession. The Respondent Nos.1 and 2 denied that the Appellants were the owners in possession of the property. The trial court, upon considering the evidence on record, has observed that the Appellants – plaintiffs have failed to prove that they are the owners in possession of the property. The said findings are confirmed by the Appellate Court. Both the Courts below have recorded concurrent finding of fact as regards the title and possession of the Appellants-plaintiffs. No substantial question of law is involved. Hence, the Appeal is dismissed. Pending Applications stand disposed of in view of dismissal of the Appeal.

Digitally
signed by
PREETI
HEERO
JAYANI
Date:
2023.10.17
14:25:54
+0530

(SMT. ANUJA PRABHUDESSAI, J.)