

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Second Appeal No.27 of 2023

SHRI. NITIN MANIKLAL JAISWAL VS SHRI. VINAYAK ANNAJI ALASPURE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S. Kadam, Advocate for the Appellant

CORAM : ANIL S. KILOR, J.

DATED : 13.01.2023

1. A decree for specific performance of contract sought by the petitioner/plaintiff, has been denied by both the Courts-below and therefore, this second appeal.

2. The learned trial Court after scrutinizing the oral as well as documentary evidence and recording the reasons in detail, has recorded that the plaintiff failed to prove oral agreement was entered between the defendant and him in respect of the suit property and he further failed to prove that he paid Rs.1,01,701/- to the defendant out of the total consideration amount.

3. The learned trial Court has also held that the plaintiff further failed to prove that the defendant is the

owner of the suit property and accordingly, dismissed the suit.

4. The First Appellate Court, in Civil Appeal maintained the findings of facts recorded by the learned trial Court and dismissed the appeal.

5. After going through the judgments and decrees of both the Courts-below, I have found that the findings recorded by both the Courts-below, are based on evidence, and since the plaintiff failed to prove the oral agreement and the ownership of the defendant, the suit was dismissed.

6. In the circumstances, as there is no substantial question of law involved in the present appeal, the second appeal is **dismissed**.

[ANIL S. KILOR, J.]