

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

Second Appeal (SA) No. 326 of 2019

Akash Rama Thute and others
Versus
Rama Tatobaji Thute and others

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

Court's or Judge's Order

Shri S.L.Raut, Advocate for the appellant.

Shri V.D.Raut, Advocate for the respondent no.10.

CORAM : ANIL S. KILOR, J.

DATED : 27th FEBRUARY, 2023.

Heard.

2. The concurrent findings recorded by both the Courts below as regards failure of the plaintiffs to prove that the suit property was sold by the defendant no.1 i.e. father of plaintiffs without necessity is under challenge in this appeal and thereby a challenge is raised to the judgment and decree dated 4th July, 2018 passed by District Judge-15, Nagpur in Regular Civil Appeal No. 64 of 2016 dismissing the appeal and confirming the judgment and decree dated 8th April, 2015 passed by the Civil Judge, Junior Division, Umrer, dismissing the suit for declaring the sale-deed illegal and not binding

and for partition and possession of the suit house and agricultural property.

3. After going through the record, it is evident that both the Courts below have held that the plaintiffs have failed to prove by not leading evidence to the effect that the suit property was sold by the defendant no.1 father of the plaintiffs, without any need.

4. Both the Courts below have observed that it was never the case of the plaintiffs that the property was sold without any need but the case was that without permission it was sold out.

5. Considering the case put up by the plaintiffs before the trial Court and the findings recorded by both the Courts below and further as the learned counsel for the appellant has failed to point out any perversity committed by both the Courts below while recording the findings of fact, I do not find any substantial questions of law is involved in the present appeal. Accordingly, the second appeal is dismissed.

[ANIL S. KILOR, J.]

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