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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 224 OF 2021
WITH
CIVIL APPLICATION NO. 85 OF 2021
IN
SECOND APPEAL NO. 224 OF 2021**

Bhagwan Shankarrao Patil(since decd thr. ... Appellant/Applicant
Lrs) Bhagyashree Milind Banap

vs.

Kolhapur Municipal Corporation by its
Commissioner, Kolhapur Municipal
Corporation. Bhau Singhanji and Ors ... Respondents

Mr. Pradeep D. Dalvi for Appellant/Applicant.

CORAM : GAURI GODSE, J.

DATED : 1st OCTOBER 2024

ORDER:

1. Heard learned counsel for the appellant. This second appeal is preferred by the plaintiff to challenge the concurrent judgments and decrees dismissing the plaintiff's suit for injunction.
2. Learned counsel for the appellant submits that though both the courts accepted the plaintiff's ownership over the suit property erroneously refused to grant an injunction. He submits that sufficient

evidence was produced to indicate the obstruction caused by the respondent corporation. However, both the courts have not correctly appreciated the evidence on record. He therefore submits that the second appeal requires consideration as the same raises substantial questions of law.

3. I have perused both the impugned judgments. There is no dispute regarding plaintiff's ownership over the suit property. However, both the courts have concurrently held that the plaintiff failed to prove any obstruction caused by the defendants for grant of any injunction as prayed. I do not find any illegality or perversity in the reasons recorded by both the courts regarding the findings on facts that there was no obstruction caused by the defendants. The submissions made on behalf of the appellant would require reappraisal of the evidence on record which is not permissible under Section 100 of the Civil Procedure Code.

4. The second Appeal does not raise any substantial question of law. Hence, the Second Appeal is dismissed. In view of the dismissal of the Second Appeal, the pending Civil Application is dismissed as infructuous.

(GAURI GODSE, J.)