

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****SECOND APPEAL NO. 304 OF 2022**

Pratap Appaji More & Ors.

...Appellants

Versus

Grampanchayat Mouje Bhadwanwadi
(through Sarpanch) & Ors.

...Respondents

....

Dr. Vipin B. Kumar, a/w. Mr. Harshad R. Suman, for Appellant.

....

CORAM : SANDEEP V. MARNE, J.

DATED : 20 FEBRUARY 2024.

P.C. :

By this Appeal Appellants challenge Judgment and decree dated 24 March 2021 passed by the District Judge-1, Gadhinglaj dismissing Regular Civil Appeal No.17 of 2015 and confirming the decree dated 20 February 2015 passed by the Civil Judge, Jr. Division, Ajara in Regular Civil Suit No.28 of 2008.

2. Dispute between the Plaintiffs / Appellants and the Defendant Grampanchayat appears to be in respect of vacant land admeasuring 185 x 45.5 sq. ft. However Plaintiffs instituted Regular Civil Suit No.28 of 2008 in respect of entire Grampanchayat House Property No.119 and 120. Plaintiffs claim possession in respect of vacant land admeasuring 185 x 45.5 sq. ft. and

asserted that Defendant Grampanchayat does not have any right, title and interest in that vacant land. It appears that the name of Grampanchayat is recorded in the revenue record relating to that vacant land. This is possibly the reason why Plaintiffs sought a declaration that the said revenue entries are void, bogus and illegal.

3. After appreciating evidence on record, both Trial Court as well as First Appellate Court have recorded a finding of fact that Plaintiffs could not prove their possession over the vacant land admeasuring 185 x 45.5 sq. ft. They have also arrived at a conclusion that Plaintiffs were unable to prove any title in respect of the suit land admeasuring 185 x 45.5 sq. ft. Thus, in absence of title or possession, Plaintiffs were unable to establish any rights over the said vacant land. So far as the revenue entries are concerned, the Trial Court and First Appellate Court have rejected case of the Plaintiffs observing that said revenue entries are validly made.

4. No substantial question of law is involved in the Appeal. Appeal is accordingly rejected.

SANDEEP V. MARNE, J.

This order is corrected as per speaking to the minutes order dated 14 March 2024.

KISHOR
VISHNU
KAMBLE

Digitally signed
by KISHOR
VISHNU
KAMBLE
Date:
2024.03.18
15:59:16 +0530