

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 766 OF 2024**

Ashok Basppa Jenure

...Appellant

Vs.

Sidram Yellappa Jenure Since
Deceased Through Lrs.

... Respondents

Digitally
signed by
MANGALTAI
JAYWANT
JADHAV
Date:
2024.12.07
07:55:06
+0500

Mr. Rajesh L. Dharap for the Appellant.

CORAM : GAURI GODSE, J.

DATED : 6th DECEMBER 2024

ORDER:

1. Heard learned counsel for the appellant. The second appeal is admitted on the following substantial questions of law:

(I) Though the sale deed in favour of plaintiff and the description of the suit property was not disputed by the defendants, whether the suit for possession filed on the ground of title could have been dismissed?

(II) Since there was no dispute about the description of the constructed area on the land, which is purchased by the plaintiff, whether absence of accurate description in the sale deed with regard to structures could have been a ground to

hold that plaintiff had not proved title over the suit property?

(III) Whether the findings recorded by both the Courts on plaintiff's title is contrary to the provision of Section 8 of the Transfer of Property Act?

(IV) Whether the plaintiff would be entitled to the reliefs claimed in the suit by relying upon the legal principles settled in the decision of **Shriram Ratanlal Thakur Vs. Rameshwar Shaligram Chandak**¹ relied upon by the appellant?

2. In addition to Court notice, learned advocate for the appellant shall serve the respondents by private notice and file affidavit of service.

3. Call for record and proceedings. Printing is dispensed with.

4. Learned advocate for the appellant shall file private paper-book within a period of one year.

(GAURI GODSE, J.)

1 S.A. No. 1698 of 2005 decided on 7-6-2016 (Aurangabad)