



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL No.51 OF 2024

(Smt. Ayesha Mahabub Sheikh and others Vs. Hukaram Motiram Gaidhani and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.A. Jadhao, Advocate for the appellants.
Mr. S.V. Sirpurkar, Advocate for respondent Nos.1 and 2.

CORAM : G.A. SANAP, J.
DATE : 01st MARCH, 2024.

1. In the second appeal the challenge is to the judgment and decree dated 19th August, 2023, passed by the learned District Judge-2, Bhandara whereby the learned Judge dismissed the appeal filed by the appellants and confirmed the decree in favour of respondents for possession of the encroached portion of their land to the extent of 112.75 sq. mtrs., Gat No.731/1 shown in the map Exh.-80.

2. The suit was filed by the respondents with an allegation that the appellants encroached on their land admeasuring 112.75 sq. mtrs. The suit was contested by the appellants. According to them, they did not make any encroachment.

3. The parties adduced evidence before the trial Court. The trial Court made threadbare analysis of the evidence and decreed the suit filed by the respondents. The appellants preferred the appeal before the District

Court, Bhandara. The learned District Judge-2 by his judgment and decree dated 19th August, 2023 dismissed the appeal. The appellants are, therefore, before this Court against that order of the District Judge-2.

4. I have heard learned Advocate for the parties.

5. Perused the record and proceedings.

6. The Courts below have recorded the concurrent finding of fact in favour of the respondents. The Courts below have held that the appellants encroached on the land of the plaintiffs admeasuring about 112.75 sq. mtrs. The Courts below have discarded the defence of the appellants.

7. On going through the record and proceedings and particularly the evidence, I am satisfied that the concurrent finding of fact is based on proper appreciation of evidence on record. I do not see any mistake, illegality or perversity in the concurrent finding of fact. As such, I conclude that no substantial question of law arises in this appeal.

8. As such, the appeal is dismissed.

(G.A. SANAP, J.)