



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO. 267 OF 2022

Venkat Pundlik Patil
VERSUS
Shivraj Hanmantrao Patil And Others

...

Mr. A. V. Patil Indrale, Advocate for Appellant
Mr. K. P. Rodge, Advocate for Respondent No.1
Mr. P. S. Mantri h/f Mr. P. V. Barde, Advocate for Respondent
Nos.3 and 4

...

**WITH
CIVIL APPLICATION NO. 6118 OF 2014
IN SA/267/2022**

.....

**CORAM : ROHIT W. JOSHI, J.
DATED : 17TH MARCH, 2025**

PER COURT :-

. This is an appeal by the original defendant who has suffered concurrent decrees in a suit for possession filed by the respondent No.1 and 2. The respondent Nos.1 and 2 had filed the suit based on title, the appellant had set up a sale deed in defence claiming title over the suit property. However, both the learned Courts have concurrently held that the sale deed was obtained by impersonation.

2. The learned Counsel for the appellant has canvassed a legal submission that the suit is framed and filed was not tenable in as much as the plaintiffs have not sought declaration of ownership as also relief of cancellation of sale

deed.

3. Having considered the submission made by the learned Advocate, I am of the opinion that since the plaintiffs were not parties to the sale deed, it was not necessary to seek cancellation of the sale deed. They can afford to ignore the sale deed since they are not parties to the sale. Likewise, the prayer for declaration of ownership would also include prayer that the sale deed executed in favour of the original defendant was not binding on the plaintiffs. The pleading and prayer clause are required to be interpreted meaningfully and not technically.

4. In that view of the matter, I am of the considered opinion, no substantial question of law arises for consideration in the appeal, the appeal is therefore **dismissed** with no order as to costs.

5. Pending Civil Application stands disposed of.

(ROHIT W. JOSHI, J)