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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 787 OF 2016
WITH
INTERIM APPLICATION NO. 7903 OF 2024**

Tukaram Sadashiv Naste ... Appellant/Applicant
Vs.
Satyaba Savala Jadhav & Ors ... Respondents
(Deceased through LRs)

Mr. Prabhakar Jadhav a/w. Ms. Suchita Chavan for the Appellant.

CORAM : GAURI GODSE, J.

DATE : 7th JANUARY 2025

ORDER:

1. Heard learned counsel for the appellant. This second appeal is filed by the plaintiff to challenge the concurrent judgments and decrees dismissing the suit for possession.

2. Learned counsel for the appellant submits that the sale deed with regard to original Survey No. 3/2 was executed in favour of the appellant, however, he was unable to produce the copy of the sale deed. He submits that the plaintiff relied upon the 7x12 extract at Exhibit 80. He thus submits that the suit is wrongly dismissed without

considering the 7x12 extract. He submits that the second appeal would require consideration as it raises substantial question of law on the point that the revenue record in the form of 7x12 extract is not properly considered by both the courts.

3. To consider the submissions made on behalf of the appellant, I have perused both the judgments and the paper book of the District Court. The plaintiff filed suit for possession on the ground that he is owner of Gat No. 9 and the structure situated on Gat No. 9 was given in possession to the defendants. Both the courts have concurrently held that the plaintiff failed to prove his ownership over the suit property.

4. The first appellate court has reexamined the evidence and discussed the revenue record relied upon by the plaintiff and the extract of the consolidation scheme with regard to Gat No. 9. Based on the extract of the consolidation scheme and the revenue record placed before the court a finding is recorded that the ownership claimed by the plaintiff is not supported by any document in his favour. The 7x12 extract relied upon by the plaintiff also does not indicate that he is exclusive owner of Gat No. 9.

5. The first appellate court has observed that the 7x12 extract indicates name of other occupants in respect of Gat No. 9. The first appellate court has therefore held that the plaintiff was unable to prove his ownership in respect of the suit property i.e. structure situated on Gat No. 9. The first appellate court therefore confirmed the dismissal of the suit.

6. I do not find any illegality or perversity in the reasons recorded by both the courts. It is not in dispute that the plaintiff failed to produce any document of title to show his ownership on the suit property. Thus, in view of the concurrent findings of facts recorded by both the courts the second appeal would not require any consideration by this court.

7. The second appeal does not raise any substantial question of law. Hence, the second appeal is dismissed.

8. In view of disposal of the second appeal, interim application is disposed of as infructuous.

[GAURI GODSE, J.]