

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 40 OF 2019

Bhagwat Vithoba Awatade and Ors. ... Appellants

V/s.

Dipak Ramchandra Jadhav and Ors. ... Respondent

Mr. Ajay Joshi, for the appellants.

Mr. S.R. Ghanavat I.by Pankaj Deokar, for the respondent.

CORAM : N.J. JAMADAR, J.

DATE : 13th JUNE 2025.

PC:

1. Heard learned counsel for the appellants.
2. The challenge in this appeal is to a judgment and decree dated 24th January 2018 passed by the learned District Judge, Malshiras, whereby the appeal preferred by the appellants/original defendants against the judgment and decree of removal of encroachment passed by the learned Civil Judge on 29th January 2013 against the appellants, came to be dismissed.
3. Mr. Joshi, the learned counsel for the appellants, submitted that the Trial Court as well the Appellate Court have committed an error in appreciating the evidence. The inferences drawn by the Courts below are not sustainable and that gives rise to substantial questions of law.

4. I have perused the material on record and the impugned judgment of the learned District Judge. The Courts below have found that the plaintiffs succeeded in establishing title over the suit land and the factum of encroachment was proved by examining the Cadastral Surveyor as well as Deputy Director of Land Record, who had carried out the Nimtana measurement.

5. The evidence of Cadastral Surveyor as well as Deputy Director of Land Record has gone unimpeached. The findings recorded by the Courts below are pure findings of facts.

6. No question of law much less a substantial question of law, arises for consideration.

7. Hence the appeal stands dismissed.

(N.J. JAMADAR, J)