IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 643 OF 2025

Ashok Damodar Suryavanshi ...Appellant

Versus

Kamalabai Ashok Suryavanshi and anr. ...Respondents

Miss. Ankita Anil Pawar, for the Appellant.

CORAM: N. J. JAMADAR, J.
DATED: 24th DECEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the appellant.

2. The challenge in this petition is to a common judgment and order dated 31st July, 2025 passed by the learned District Judge, Nashik, whereby Regular Civil Suit Nos.35 of 2019 and 36 of 2019, preferred by the appellant – original respondent and the respondents – original plaintiffs, against the judgment and order dated 5th March, 2019, passed by the learned Civil Judge, Senior Division, Satana, in Civil Misc. Application No.2 of 2015, thereby directing the appellant to pay *mesne profit* of Rs.2,25,000/- in respect of the suit land bearing Gat No.33/1, to respondent No.2 came to be dismissed.

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3. Miss. Ankita Pawar, the learned Counsel for the appellant, submitted that there was no basis for the determination of the *mesne profit* at the rate of Rs.25,000/- per year for the trial Court. Inviting the attention of the Court to the observations in paragraph 15 of the order passed by the trial Court, the learned Counsel for the appellant submitted that the trial Court has resorted to guess work rather than objective material to determine the *mesne profit.* The learned District Judge was in error in affirming the order of the trial Court, submitted Ms. Pawar.

4. I find it difficult to accede to the submission of the learned Counsel for the appellant. In paragraph 13 of the impugned order the learned District Judge has adverted to the crops which the appellant had taken from the suit land during the period 2002-2003 to 2014-2015 as was evident from the crop entries in the record of rights of the suit land. It was found that the appellant had taken crops of maze, wheat, sugarcane, onion, tomato, millet and soybean. Thus, the learned District Judge drawing the presumption as regards the correctness of the entries in the record of rights, found that the determination of the *mesne profit* was justifiable.

5. Since the appellant seems to have taken cash crops as well in the suit land, the concurrent findings of facts recorded by the Courts below are not amenable for interference in exercise of the appellate jurisdiction governed by regime of Section 100 of the Code of Civil Procedure, 1908. At any rate, no question of law, much less a substantial question of law, arises for consideration.

6. Resultantly, the second appeal stands dismissed.

[N. J. JAMADAR, J.]