

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 247 OF 2024

Kantilal Sarjerao Jathar ..Appellant
Versus
Sunanda Ramesh Kulkarni ...Respondent

WITH
INTERIM APPLICATION NO. 11677 OF 2024
IN
SECOND APPEAL NO. 247 OF 2024

Mr. Sharad V. Kulkarni a/w Shilpa Kadam, for the appellant.

CORAM: N. J. JAMADAR, J.

DATE : 26th NOVEMBER 2025

P.C.:

1. Heard the learned Counsel for the appellant.
2. The challenge in this appeal is to a judgment and decree dated 08th December, 2023 passed by the learned District Judge, Baramati, in Regular Civil Appeal No. 08/2021 whereby, the Appeal preferred by the appellant against the judgment and decree passed by the Trial Court in Special Civil Suit No. 53/2018 directing payment of a sum of Rs. 5,00,000/- (Rupees Five Lakhs), came to be dismissed.
3. The appellant - defendant had admitted the receipt of the sum of Rs. 5,00,000/- (Rupees Five Lakhs) through Cheques. It was the defence of the appellant that, the said amount was paid

towards part consideration for purchase of an immovable property from the father-in-law of the defendant.

4. Both the Courts have recorded concurrent findings of fact that, the suit property in relation to which the deed at Exhibit-35 was purportedly executed, was already sold under a registered instrument to the plaintiff. Under the said registered sale deed, the vendor had acknowledged the receipt of entire consideration of Rs. 30,15,000/- (Rupees Thirty Lakhs Fifteen Thousand). Thus, in the face of registered instrument, the defence of receipt of Rs. 5,00,000/- (Rupees Five Lakhs) towards consideration putforth by the appellant was not sustainable.

5. The concurrent findings of fact are impeccable. It is trite a registered instrument prevails over an unregistered document. Even on the touchstone of the preponderance of probabilities, the Courts below have taken a correct view of the matter. No question of law, much less, substantial question of law arises for consideration.

6. The Second Appeal thus stands dismissed.

7. In view of the dismissal of the second appeal, the Interim Application does not survive, and also stands dismissed.

[N. J. JAMADAR, J.]