

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.530 OF 2024
WITH
INTERIM APPLICATION NO.12160 OF 2024
IN
SECOND APPEAL NO.530 OF 2024

Santhosh Vasant Satam ... Appellant
V/s.
Ramesh Vasant Satam ... Respondent

*Mr. Shreepad Murthy with Mr. Sahil Wagh i/by Mr. Abhishek Patil,
Advocates for the Appellant.*

Mr. Rajesh S. Datar with Ms. D. Datar, Advocates for the Respondent No.1.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 February, 2025.

P.C. :

1. The appeal challenges judgment and order dated 4th May, 2024 passed by Principal District Judge, Thane dismissing Regular Civil Appeal No.90 of 2023 and confirming the decree dated 15th July, 2023 passed by Special Civil Judge, Thane in Special Civil Suit No.202 of 2017. The Trial Court has held Appellant to be a mere gratuitous licensee of the Plaintiff, who is held to be the owner of the suit flat.

2. I have heard Mr. Murthy, learned counsel appearing for Appellant and Mr. Datar, learned counsel appearing for Respondent No.1.

3. After having considered the submissions canvassed by the learned counsel appearing for the parties, it appears that the suit flat has been purchased by registered agreement dated 28th December, 1990 in the name of the Plaintiff. Therefore, ownership of the Plaintiff in respect of the flat cannot really be disputed. Though the Appellant seeks to vaguely suggest that the flat was actually purchased by the father, Appellant did not file any declaratory suit nor a counter-claim in the present suit claiming declaration of title. Thus, Appellant did not make any attempt before the Trial Court to prove his title to the flat. He also did not claim adverse possession of the flat.

4. In that view of the matter, conclusion reached by the Trial Court that the elder brother permitted younger brother to occupy the flat on a gratuitous basis cannot really be found fault with.

5. In my view therefore, no substantial question of law is involved in the appeal.

6. The appeal is accordingly rejected.

7. In view of the disposal of the appeal, the interim application also stands disposed of.

(SANDEEP V. MARNE, J.)