



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO.32 OF 2023

Bhaskar s/o Deoraoji Bhagat Vs. Sau. Jyoti Devidas Hemane & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri N.D. Khamborkar, Advocate for appellant.

CORAM : M.W. CHANDWANI, J.

DATE : 17.02.2025.

1. This is an appeal against concurrent findings of the Courts below. The appellant filed a suit bearing Regular Civil Suit No.83/2012 for declaration, possession and cancellation of sale-deed on the premise that the sale-deed executed by him in favour of the respondents is nothing but a nominal one as there was a loan transaction. The trial Court dismissed the suit on the ground that the reason mentioned in the suit that the respondents were not a party to the agreement and it is the husband of respondent no.1 was the one in whose favour the agreement was executed. The trial Court did not appreciate this fact and dismissed the suit on the ground that after the sale-deed, no objection was raised by the appellant even when the names of the respondents were mutated.

2. The appellant made an unsuccessful attempt before the learned District Judge-1, Malkapur by filing Regular Civil Appeal No.37/2018. The learned appellate Court has also confirmed the decree of dismissal. Thus, there are two

concurrent findings of the Courts below. Therefore, I do not see any substantial question of law arising in this appeal. Hence, the appeal is dismissed.

JUDGE

Wagh