



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.249 OF 2025

Ramesh Ramrao Gale and another .Vs. Murlidhar Wamanrao Bhatkar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Bute, Advocate for appellants.

CORAM : ROHIT W. JOSHI, J.

DATE : 14/10/2025

1. The present appellants have suffered concurrent decrees in a suit for possession filed against them by the respondent. The appellants claimed right over the suit property through the deceased Haribhau, who is the father of appellant No.1 and the brother of appellant No.2.

2. It is not in dispute that, there was an earlier litigation with respect to suit property between the respondent/plaintiff and the late Haribhau. In that civil dispute, the title of the plaintiff over the suit property was established and the plaintiff has succeeded in the litigation against Haribhau throughout.

3. The contention of the learned Advocate for the appellants is that the judgment and decree in the earlier round of litigation will not operate as *res judicata*, since the appellants were not parties to the earlier round of litigation. However, this contention is unsustainable, since a perusal of

the written statement indicates that the appellants are claiming right over the suit property through Haribhau, who was party to the earlier litigation.

4. Both the learned Courts, on appreciation of the evidence, have concurrently held that the respondent/plaintiff is the owner of the suit property. These findings are based on documentary evidence and particularly, the adjudication in the earlier round of litigation against Haribhau.

5. In that view of the matter, no substantial question of law arises for consideration. Accordingly, Second appeal is **dismissed**.

(ROHIT W. JOSHI, J.)