



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

SECOND APPEAL NO. 67 OF 2025

APPELLANT :

(ORG.APPLANT.)

On R.A.

Mr. Rajhans S/o Baliram Garse,
Aged about 50 years, Occ: Auto Driver,
R/o. Bhim Nagar, Wardha,
Tahsil & District Wardha.

V E R S U S

RESPONDENT :

(Org.Non-Applicant)

(On R.A.)

Mr. Baliram S/o Shiva Garse,
Aged about 83 years, Occ: Pensioner,
R/o. Bhim Nagar, Wardha,
Tahsil & District Wardha.

Shri Saurabh Bhende, Advocate for appellant.

CORAM: ROHIT W. JOSHI, J.

DATED : 25/04/2025.

ORAL JUDGMENT :

1. The appellant is the original defendant. The plaintiff is his father. The father has filed a suit for possession against his son who is defendant. Both the learned Courts have concurrently decreed the suit holding that the father has purchased the suit property and the same is self-acquired property.

2. The defendant has raised a contention that there was oral partition between the father and his three sons in which the western portion of the house was allotted to the share of the defendant. There is no cogent evidence on record to establish the alleged partition. The evidence on record is grossly insufficient to

establish the case of the oral partition. Both the learned Courts have concurrently held that the plaintiff - father is the sole owner of the suit property. Admittedly, sale deed with respect to the suit property stands in favour of father who has purchased the same. The findings recorded by the learned Courts are pure findings of fact which are recorded on proper appreciation of evidence.

3. In that view of the matter, no substantial question of law arises for consideration in the present second appeal.

4. The second appeal is dismissed with no order as to costs.

5. The civil application, pending if any, are disposed of accordingly.

[ROHIT W. JOSHI, J.]