



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.213 OF 2026
WITH
INTERIM APPLICATION (ST) NO.6637 OF 2026**

Sharu Narayan Sawant @ Sharu Narayan Mhatre (deceased) through legal heir Ganesh Narayan Mhatre	...	Appellant
versus		
Vithabai Mahadeo Patil (deceased) through legal heirs and Ors.	...	Respondents

Mr. Ojas Kocharekar, for Appellant.

CORAM: N.J.JAMADAR, J.

DATE : 29 APRIL 2026

P.C.

1. Heard the learned Counsel for the Appellant.
2. This Second Appeal is directed against the concurrent findings of facts recorded by the learned Civil Judge and the learned District Judge.
3. Inter alia, the Courts have recorded that the Plaintiffs had instituted RCS No.126 of 1983 seeking a declaration of ownership and possession of the suit property. The said suit came to be dismissed. An appeal preferred against the decree passed in the suit, was also dismissed. The said decree has attained finality. Therefore, the claim of the Plaintiff in the instant suit was barred by the principle of res-judicata.
4. The issues which were directly and substantially in issue in the previous

suit are directly and substantially in the issues in the instant suit and the parties were claiming under the same title.

5. In this view of the matter, there is no infirmity in the impugned judgment and decree.

6. No question of law, much less, a substantial question of law, arises for consideration.

7. Hence, the Second Appeal stands dismissed.

8. In view of the dismissal of the Second Appeal, the Interim Application (ST) No.6637 of 2026 also stands dismissed.

(N.J.JAMADAR, J.)