



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

SECOND APPEAL NO.26 OF 2025

APPELLANT

(org. plaintiff)

:- Shantaram Laxman Bole
Aged 62 years, Occ. Agriculturist
r/o. Pahurjira, Tq. Shegaon, District
Buldhana

..VERSUS..

RESPONDENT

(ori. Defendant)

:- Devakabai Chandrashekhar Chopade,
Aged about 57 years, Occ. Household,
R/o. At post Dhanori, Tq. Akot, District
Akola.

Mr.A. D. Bhate, Advocate for Appellant.

CORAM : **ROHIT W. JOSHI, J.**

DATE : **09.02.2026**

J U D G M E N T :

- 1) Heard learned advocate for the appellant.
- 2) The present Second Appeal is preferred challenging judgment and decree dated 27.11.2018 passed by the learned Civil Judge, Junior Division, Shegaon in Regular Civil Suit No.34 of 2011 and judgment and decree dated 22.10.2024 passed by the learned District Judge-1 Khamgaon in Regular Civil Appeal No.01 of 2019.

3) The respondent is the original plaintiff, who has filed a suit for possession against her father based on sale deeds executed by the father in her favour. The father, who was the original defendant, opposed the suit by filing written statement, *inter alia*, contending that he was misled into execution of the sale deeds by the plaintiff/daughter, since she was taking care of him during his old age. The sale deeds in question are registered documents. The father expired during the pendency of the suit, before entering the witness box, and his son was thereafter arrayed as his legal representative.

4) The learned Courts have concurrently held that the defendant has failed to discharge the presumption with respect to due execution and genuineness of a registered document. It is also found that there is no specific pleading in the written statement that consideration mentioned in the sale deed is not received.

5) The concurrent findings recorded by both the learned Courts on appreciation of evidence therefore do not warrant any interference. Second Appeal is, therefore,

dismissed with no order as to costs.

(ROHIT W. JOSHI, J.)