



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
SECOND APPEAL NO. 49 OF 2026

(Ravindra Keshavrao Ingolkar (Dead) through LRs and others vs. Dnyaneshwar Nanaji Ingolkar
and one)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Gopal Mishra, Advocate for appellants.

CORAM : ROHIT W. JOSHI, J.
FEBRUARY 16, 2026

1) The present appeal takes an exception to judgment and decree dated 09/01/2023, passed by learned 4th Joint Civil Judge Junior Division, Darwha in R.C.S.No.38/2012 which is confirmed by the learned Adhoc District Judge-1 Darwha vide judgment and decree dated 18/11/2025, passed in R.C.A. No.17/2024. The appellants are original defendants against whom decree for possession is passed. Although the defendants have disputed exclusive ownership of the plaintiffs over the suit property, in the earlier round of litigation between the parties i.e. in R.C.S.No.05/2023 they had admitted the ownership of plaintiffs as is apparent from judgment dated 11/07/2011 passed by the learned Joint Civil Judge Junior Division, Darwha in R.C.S.No.05/2023. This judgment is at Exh.112. Apart from this, the defendants are persons who were inducted in the suit property by the plaintiffs, and, as such they cannot question title of the plaintiffs.

2) In view of above, the concurrent decrees for possession passed by the learned Courts do not warrant any interference. Second Appeal is therefore, dismissed. No order as to costs.

(ROHIT W. JOSHI, J.)