



sjs

17-SAG-999.2012

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.999 OF 2012
WITH
CIVIL APPLICATION NO.2003 OF 2012
IN
SECOND APPEAL NO.999 OF 2012

Sarubai Dashrath Jedge Appellant
Vs.
Balu Narayan Bandal & Others Respondents

Ms Jai Kanade i/b Shri R.N. Sanghavi for the Appellant.
Shri Pradip Patole i/b Shri P.D. Paranjape for Respondent
Nos.1 and 2.

CORAM: RAVI K. DESHPANDE, J.

DATED: JULY 13, 2015

P.C:

1. The Trial Court has dismissed R.C. Suit No.526 of 1997 for partition and separate possession of the suit properties. It was also claimed in the said suit that Sale Deed dated 12-12-1963, executed by Pandharinath in favour of defendant Nos.1 and 2 in respect of Survey Nos.118, 119, 120 and 132 be declared as null and void and not binding upon the plaintiff. The suit also claimed a declaration that Sale Deed dated 18-12-1981, executed by Pandharinath in favour of defendant No.4 in respect



sjs

17-SAG-999.2012

of Gat No.648, is also not binding upon the plaintiff.

2. The Trial Court dismissed the suit and the Appellate Court has concurred with the finding recorded by the Trial Court by dismissing the appeal. Hence, the original plaintiff is before this Court against the concurrent finding of fact. The Courts below have taken a view that challenge to the Sale Deeds dated 12-12-1963 and 18-12-1981, raised in the year 1995 by filing the suit in question, was barred by limitation. The Courts below have held that the plaintiff, who is the sister of Pandharinath, has failed to establish the fact that she got the knowledge of these Sale Deeds for the first time in the year 1994 and hence the suit filed in the year 1997 was within the period of limitation. This finding of fact recorded by the Courts below is a possible view of the matter which does not raise any substantial question of law. The Second Appeal is dismissed.

3. In view of dismissal of the Second Appeal, Civil Application No.2003 of 2012 does not survive and it accordingly stands disposed of.

(RAVI K. DESHPANDE, J.)