

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

**SECOND APPEAL NO. 301 OF 2022**

( NAGO TUKARAM LANDE (DEAD) THROUGH LRS. SMT. BABY WD/O NAGO  
LANDE AND OTHERS VS YOGESH GANPAT LANDE )

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

*Court's or Judge's order*

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Mr. U.A.Gosavi, Advocate for appellants.

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

**DATED : MARCH, 07 2026**

- 1) The appellant had filed a suit being R.C.S.No.04/2015 seeking declaration of ownership over four properties which are agricultural lands bearing field Survey Nos.338/2, 339, 343 and 345. It is the case of plaintiff that sale deeds with respect to Survey Nos.338/2 and 339 executed by his father in favour of father of defendant are fabricated documents. Both the learned Courts have dismissed the suit with respect to the said properties holding that the sale deeds are registered documents and pleadings with respect to alleged fraud or forgery do not satisfy the requirements of Order 6 Rule 4 of Code of Civil Procedure. It is well settled that in order to make out a case for fraud or forgery, a party must plead material facts with material particulars precisely laying down all the circumstances to infer fraud or forgery. Perusal of the plaint indicates that except for stating that the sale deeds are manipulated and fabricated documents, the plaintiff has not offered any further elaboration. The suit is filed in the year 2015. The sale deeds are of the year 1965 and 1967. The concurrent findings by both the learned Courts in this regard do not warrant any interference since the case of forgery and manipulation is not properly pleaded.

- 2) In view of the aforesaid, although the defendant has not entered into the witness box, concurrent findings with respect to the aforesaid two sale deeds cannot be interfered with.
- 3) However, the plaintiff had also sought a declaration that the defendant does not have any right over suit properties bearing Survey Nos.343 and 345. The learned first appellate Court has referred to revenue record of these two Survey numbers and has observed that the said properties are standing in the name of father of the plaintiff and his brother Laxman. It is further recorded that some portion of the said property is purchased by father of defendant from the brother, Laxman. No reason is recorded for dismissing the suit in its entirety with respect to Survey Nos.343 and 345.
- 4) In view of the aforesaid, issue notice to the respondent on the following substantial question of law, returnable on 15/04/2026.

*“Whether the learned Courts have erred in not granting a decree for declaration of ownership and consequent injunction in favour of the plaintiff with respect to share of plaintiff’s father in Survey Nos.343 and 345, particularly when the defendant has not entered the witness box to dispute the claim ?”*

- 5) The appellants are directed to serve the respondent by speed post in addition to regular mode and to file affidavit of service before the returnable date.
- 6) Call for Record and Proceeding.

**( ROHIT W. JOSHI, J. )**