

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 467 OF 2006

Bhaskar Ramchandra Kamble..... Appellant
V/s
Laxman Dhondi Jamdagni & Ors. Respondents.

Mr.V.B.Rajure, Adv. For the appellant.

CORAM: R.V. MORE, J.
28th NOVEMBER, 2008.

PC:

Heard Mr.Rajure, Adv. For the appellant.

The appellant is the original defendant No.2. Respondent Nos.1 and 2 filed suit for partition and injunction. Suit was decreed by the trial Court and it was held that the respondents 1 & 2 each are entitled to 2 anna 8 pai share. This decree was challenged by present appellant before the lower appellate court. However by the impugned judgment and decree same was also dismissed. Consequently decree of the trial Court came to be confirmed. One Dhondi had three sons viz. Laxman, Ramchandra and Maruti. Respondent No.1-Laxman and father of respondent No.2 are the real brothers. Defendants 1 to 3 are the sons of Ramchandra. The lower Courts below on the basis of evidence on record concluded that the suit property was joint family property of respondents-plaintiffs and defendant Nos. 1 to 3. The appreciation of evidence cannot be said to be perverse. The view

taken by both the courts below is possible view. I find no question of law, much less a substantial question of law, involved in the present second appeal. The second appeal being devoid of any merit stands dismissed.

In view of disposal of second appeal civil application No.707 of 2006 does not survive and the same also stands disposed of.

28.11.08

(R.V. MORE, J.)