

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.363 OF 2011

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms.Gauri Godse for the appellants

Mr.S.H.Joshi for the respondent no.1

CORAM : K.K.TATED, J.

DATE : 05/07/2012

PC:

1. Heard the learned counsel for the parties.

2. Admit.

3. Substantial question of law involved in the present Second Appeal are as under:

“1. Whether both the Courts below ought to have taken into consideration that Respondents suit deserved to be dismissed being false in as much as the very fact that Respondents filed execution proceedings regarding Tadjodpatra executed in respect of suit property shows that they are not and

were never in possession of suit property?

2. Whether both the courts below ought to have taken into consideration that the suit is bad in law in as much as no cause of action arose to file the suit?

3. Whether both the courts below committed serious error in decreeing the suit by relying upon the Tadjodpatra inspite of holding that the same was proved to be bad in law being barred by law of fragmentation Act?"

4. Appellants are directed to file private paper book within one year from today.

5. Printing is dispensed with.

6. The learned counsel for the respondents waives service.

7. This Second Appeal be heard along with Second Appeal Nos.1053 of 2004 and 1052 of 2004.

(K.K.TATED, J.)

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