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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 470 OF 2016
WITH
INTERIM APPLICATION NO. 10437 OF 2024**

Vilas Tulshiram Gangurde(since ... Appellant/Applicant
Deceased through Lrs)

vs.

Dattatraya Raghunath Vyavahare since ... Respondents
deceased through his Lrs

Mr. C.T. Chandratre for Appellant/Applicant.

CORAM : GAURI GODSE, J.

DATED : 4th FEBRUARY 2026

ORDER:

INTERIM APPLICATION NO. 10437 OF 2024

1. This application is pending for bringing on record the names of heirs and legal representatives of deceased sole appellant. As per office remark, there is a delay in filing the application.

2. Hence, issue notice to respondents, returnable on 1st April 2026.

3. In addition to the court notice, learned advocate for the applicant shall serve the respondents, by private notice and file

affidavit of service before the next date.

SECOND APPEAL NO. 470 OF 2016

4. The second appeal is admitted on the following substantial questions of law. The issue of abatement of the second appeal is kept open, subject to the decision in the interim application:

I) Whether based on the alleged agreement for sale relied upon by the plaintiff, he would be entitled to a decree for injunction restraining defendants from implementing orders of eviction passed by the Competent Authority for breach of conditions laid down under Section 3 of the Bombay Inferior Village Watans Abolition Act, 1958 (**'said Act'**)?

II) Whether based on the agreement for sale, the civil court would get jurisdiction to stay the execution of the eviction order passed for breach of the provisions of the said Act?

III) Whether the findings recorded by both the courts for declaring that the order of the Assistant Collector for eviction of the plaintiff for the breach of the provisions of the said Act can be declared as nullity, on the ground that there is an agreement for sale in favour of the plaintiff and on payment of the amount of Nazrana, the tenure of the land hand changed?

IV) In view of the order of regrant in the name of defendant no.1's father, whether only based on the agreement for sale, the plaintiff would be entitled to protect his possession by challenging the eviction orders passed for breach of the provisions of the said Act, by contending that the orders are null and void?

5. In addition to the court notice, learned advocate for the appellant shall serve the respondents, by private notice and file affidavit of service.

6. Call for records and proceedings.

7. Printing is dispensed with.

8. Learned advocate for the appellant shall file private paper-book within a period of one year from today.

(GAURI GODSE, J.)