

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2779 OF 2007

Office Notes, Office Memoranda
of Coram, appearances, Court's
Orders or directions and
Registrar's Orders

Court's or Judge's Orders

Mr.Ajay Joshi i/b Mr.Rajesh More
for the Appellant.

Mr.Sanjay Chaturvedi i/by M/s.
Malvi & Co. for Respondent No.4.

CORAM : ANOOP V. MOHTA,J.

DATED : 19th June, 2008

P.C.

. Admit.

2. The following substantial
questions of law arise for
consideration.

1. Whether the learned
Appellate Judge erred by
placing reliance on Section
5 of The Indian Evidence
Act, in view of fact that
the appellant has filed
application under Section
18 of The Bombay Public
Trust Act-1950?

2. Whether the learned Appellate Judge committed serious error by refusing to consider the documentary evidence produced below Exh.46 which carried legal presumption Under Sec. 150 of Maharashtra Land Revenue Code and in view of fact such a presumption has not been rebutted by the respondent?

3. Whether the learned Appellate Judge committed serious error by non-considering the fact that the deed dated 20/08/1996 has been executed by the vendor in the capacity of vahiwardar of Maruti Deo and not in personal capacity as the owner thereof. The

respondent by accepting the vendor as Vahiwatdar are estopped from refusing the status of vendor as a vahiwatdar?

3. Appeal expedited. Appellant to file private paper book within a period of three months.

[ANOOP V. MOHTA, J.]