

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

915 SECOND APPEAL NO. 264 OF 2026

CHANDRAMUNI KAMAJI HINGOLE

VERSUS

PADAMSINGH VITHAL JANAKWADE AND ANOTHER

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Advocate for Appellant : Mr. Amit Arunkumar Mukhedkar

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CORAM : MEHROZ K. PATHAN, J.

DATE : 07.05.2026.

PER COURT :

1. Heard the learned Counsel for the appellant Mr. Mukhedkar. He submits that RCS No. 240 of 2017 was filed by the Plaintiff's son thereby claiming simplicitor injunction and for cancellation of the sale deed and prayed that the sale deed executed in favour of the appellant by the father of the plaintiff is not binding on the plaintiff. The suit came to be dismissed vide judgment dated 23.02.2022 and the Counter Claim filed by the appellant claiming possession was allowed by the same judgment passed by the learned trial Court dated 23.02.2022 in RCS No. 240 of 2017 allowing the counter claim filed by the original appellant No. 1/respondent No. 1 herein.

2. Thereafter the defendant No. 1 has filed an appeal before the learned appellate Court bearing No. RCA No. 40 of 2022 which came to be allowed vide impugned judgment dated 31.03.2026 passed by the learned District Judge -3, Nanded. Therefore, the appellant is before this Court

against the impugned judgment passed by the first Appellate Court reversing the findings of the learned trial Court.

3. After going through the judgments of both the lower Courts and after hearing the learned Counsel for the appellant the following substantial questions of law appears to be involved in the present appeal, which are as under :

(i) Whether the findings arrived at by the learned appellate Court are perverse to the evidence led by both the parties which has been relied upon by the trial Court to dismiss the suit and allowing the Counter Claim.

(ii) Whether the impugned judgment rendered by the learned First Appellate Court is legally tenable, when the registered sale deed bearing No. 6258 of 1990 dated 07.09.1990 executed by respondent No. 2- Vithalrao in favour of appellant-Chandramuni, is not set aside by any Court ?

4. Issue notice to the respondents, returnable on 07.07.2026.

5. The appellant is permitted to serve the respondents through the private mode of service in addition to the regular mode of service and file affidavit to that effect on next date.

6. Hamdast granted.

(MEHROZ K. PATHAN, J.)

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