

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO. 271 OF 2022

AJIJ (AJIT) KHAN PATHAN AND ANR.

...**VERSUS**...

SUDHAKAR RAGHUNATH RAMTEKE AND ORS.

WITH

SECOND APPEAL NO. 272 OF 2022

SMT. ANJANABAI WD/O. LAXMINARAYAN RAMTEKE AND ANR.

...**VERSUS**...

SUDHAKAR RAGHUNATH RAMTEKE AND ORS.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

SA No. 271/2022

Shri D.C.Daga, Advocate for appellants.

Ms. Ayushi Dangre, Advocate for respondent no. 1.

Shri M.I.Mourya, Advocate for respondent nos. 2(i) & (ii).

Ms. Ashwini R. Manhare, Advocate for respondent nos. 2(iii) & (iv).

SA No. 272/2022

Shri M.I.Mourya, Advocate for appellants.

Ms. Ayushi Dangre, Advocate for respondent no. 1.

Shri D.C.Daga, Advocate for respondent nos. 4 and 5(i) to (iii).

CORAM : **SMT. M. S. JAWALKAR,J.**

DATE : **20th MARCH, 2023**

Heard.

2. **Admit.**

3. The substantial questions of law have been framed as follows:-

“i) Whether learned Appellate Court is right in reversing the judgment and decree passed by learned Trial Court specifically reversing the finding about readiness and willingness on the part of the plaintiff ?

ii) *Whether learned Appellate Court has passed the judgment and decree as per Order 41, Rule 31 of the Code of Civil Procedure ?*

iii) *Whether the learned Appellate Court is right in appreciating the evidence in respect of Exh. 120 ?*

iv) *Whether learned Appellate Court recorded perverse findings ?”*

4. Ms. Ayushi Dangre, learned counsel waives notice for respondent no. 1 on admission in both appeals.

5. Shri M.I.Mourya, learned counsel waives notice for respondent nos. 2(i) & (ii) on admission in SA No. 271/2022.

6. Ms. Ashwini R. Manhare, learned counsel waives notice for respondent no. 2(iii) & (iv) in SA No. 271/2022.

7. Shri D.C.Daga, learned counsel waives notice for respondent nos. 4 and 5(i) to (iii) on admission in SA No. 272/2022.

8. R and P be called.

9. List the matter for final hearing in the week commencing from 17/04/2023.

(Smt. M.S. Jawalkar, J.)