

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

SECOND APPEAL NO. 11 OF 2021

WITH

CIVIL APPLICATION (CAS) NO. 16 OF 2021

(Deorao Motiram Aakre & Ors. V/s Purushottam Motiram Kharabe (dead) through L.Rs.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. A. M. Ghare, Advocate for Appellants.

CORAM : MRS. SWAPNA JOSHI, J.

DATE : JUNE 19, 2021.

. Hearing was conducted through video conferencing and the learned Counsel for Appellants stated that the audio and visual quality was proper.

2. Heard Mr. Ghare, the learned Counsel for Appellants. Issue notice to the Respondents on the following substantial questions of law :

(i) *Whether the learned lower appellate court was justified in considering that the suit based on enforcement of right/ contract arising out of unregistered partition deed is maintainable/enforceable ?*

(ii) Whether the learned lower appellate court was justified in considering that the suit for specific demarcated land out of undivided family property can be entertained without joining the co-parceners as party Respondent ?

3. Notice made returnable after three weeks.

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. Mr. Ghare, the learned Counsel for Appellants submits that till date the Appellants are in possession of the property.

2. In view thereof, there shall be ad-interim stay to the effect, operation and implementation of the Judgment and decree dated 22/10/2019 passed by the District Judge, Nagpur in Regular Civil Appeal No. 110/2016, till returnable date.

(MRS. SWAPNA JOSHI, J.)

Yadav VG