



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

SECOND APPEAL NO.349/2023

Dinesh s/o Babulal Sharma

Vs.

Dr. Joshi Trust, Amravati by its Trustees, President Mangla Pandurang Joshi and ors.

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

Court's or Judge's orders

Shri M.P. Khajanchi, Advocate for appellants

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 19/10/2023

Issue notice to the respondents, returnable within three weeks on following substantial questions of law:

“(i) Whether the permission before sale of the property is mandatory requirement as per Section 36(1) of the Bombay Public Trust Act ?

“(ii) Whether the learned Lower Appellate Court ought to have consider the legal aspect about the fact that the restriction imposed by Section 36(1) of the Bombay Public Trust Act will not be applicable and will not operate against the Civil Courts to grant decree of specific performance of contract ?

“(iii) Whether the learned Lower Appellate Court was justified in holding that the suit filed by the plaintiff/applicant was not within the limitation and it barred by limitation ?”

CIVIL APPLICATION (CAS) NO.1315/2023

Issue notice to the respondents, returnable within three weeks.

2. In the meanwhile, there shall be ad-interim relief in terms of prayer Clause-2.

JUDGE

R.S. Sahare