



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

SECOND APPEAL NO.464 OF 2017

Laxminarayan s/o Dagadulal Somani and ors.

-vs-

Dipchand s/o Dagadulal Somani and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri N. R. Saboo, Advocate for appellants.
Shri M. G. Sarda, Advocate for respondents.

CORAM : A.S.CHANDURKAR, J.

DATE : December 15, 2017

Heard.

Admit on following substantial questions of law :

- (i) *Whether reversal of the decree of the trial Court dismissing the suit as barred by limitation is in accordance with law ?*
- (ii) *Whether the appellate Court was legally justified in taking into consideration the document at Exhibit-67- Relinquishment Deed that was not registered ?*

Shri M. G. Sarda, learned counsel waives notice on behalf of the respondents.

The appellants to file paper-book within period of three months. Liberty to apply for hearing after the paper-book is filed.

Civil Application No.889 of 2017

By this application it is prayed that the decree for



possession passed in favour of the plaintiffs be stayed during pendency of the proceedings. It is submitted that the decree is sought to be executed and as the defendants are in possession, the same deserves to be protected.

The application is opposed by the learned counsel for the plaintiffs on the ground that the suit land is admeasuring about 21 acres and the defendants should be put to condition before their possession is protected. He further seeks time to file records relevant in that regard.

Stand over **19/01/2018** to enable the counsel for the plaintiffs to place appropriate material on record.

In the meanwhile there shall be *ad interim* relief in terms of prayer clause (a).

JUDGE