

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

SECOND APPEAL NO. 350 OF 2019

M/s. Sagdeo Towers, thr.its Partner and others

-Vs.-

Balbirsing Pritamsingh Renu and others

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

Court's or Judge's Orders.

Mr.Sunil Manohar, Sr.Counsel a/b Mr.P.V.Vaidya, counsel for the
appellants.

CORAM : MANISH PITALE, J.

DATE : 07.10.2019

Heard learned Senior Counsel for the appellants.

2. Issue notice on the following substantial questions
of law:

(i) Whether the Appellate Court in the present case,
while reversing the judgment and order passed by
the Trial Court and granting decree in favour of the
original plaintiffs, came in close quarters with the
reasons given by the Trial Court and while differing
with the findings given by the Trial Court?

(ii) Whether the Appellate Court was justified in
holding that the document dated 03/11/1997
(Exhibit-120) could be said to be an agreement of

which specific performance could be sought by the original plaintiffs?

(iii) Whether, in the face of admissions given by the witness of the original plaintiffs in cross-examination, it could be said that an agreement had been entered into between the parties of which the original plaintiffs could claim such specific performance?

(iv) Whether the findings rendered by the Appellate Court while reversing the findings given by the Trial Court were perverse?

3. Notice shall be returnable in **six weeks**.

4. Call for R. & P.

CIVIL APPLN. NO. 677 OF 2019

Issue notice, returnable in **six weeks**.

2. In the meanwhile, there shall be *ad interim* stay in terms of prayer clause (1).

JUDGE