

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

**SECOND APPEAL NO. 423 OF 2017**

Kanhailal s/o Jankiprasad Gupta & anr.

VS.

Lalbahadur Gruh Nirman Sanstha Maryadit, Reg.Cooperative Housing  
Society, Washim and another

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Office Notes, Office Memorandum of Coram,  
orders

Court's or Judge's

appearances, Court's orders of directions  
and Registrar's orders  
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Shri. R. L. Khapre, Advocate for appellants.

Shri. C. S. Kaptan, Sr. Advocate with Shri.S.S.Deshpande,  
Advocate for respondents.

**CORAM : Manish Pitale J**

**DATED : 18.09.2019**

Heard learned counsel for the parties for  
some time.

2. In addition to the substantial question of law framed by this Court on 18.01.2018, the following substantial question of law would also arises for consideration :-

*Whether the suit filed by the respondent No.1 simplicitor for injunction was maintainable in the absence of a prayer for declaration, in view of the specific stand taken on behalf of the appellant in the written statement ?*

3. Since the R & P has been already received list his appeal for further hearing/disposal on 10th October 2019.

**JUDGE**