

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

SECOND APPEAL NO. 427/2023

(Pandit s/o Mahu Lodhi [Thakrele] Vs. Smt. Fulkan w/o Shrawan Nagpure [dead] thr Lrs. & ors.)

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

Court's or Judge's orders

Mr. S. Deo, Advocate for appellant.
Mr. M.R. Patil, Advocate for respondent Nos. 1A & 1B.

CORAM: ROHIT W. JOSHI, J.

DATED : 28/04/2025.

Heard.

2. Issue notice to the respondents on the following substantial question of law returnable after Summer Vacation 2025:-

“A. Whether the suit was maintainable with respect to land bearing Survey No. 87 in view of dismissal of earlier suit being Regular Civil Suit No. 152/1988 for want of prosecution?”

B. Have the learned Courts erred in not taking into consideration mutation entries signifying partition of the other suit properties between Sahu, deceased father of plaintiff and his brother Mahu predecessor in title of the defendants?”

3. In view of the substantial question of law framed in the matter, although the execution proceedings shall continue, however possession of the appellant over the suit

property which are in his possession will be protected till further order.

(ROHIT W. JOSHI, J.)

Gohane