



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

SECOND APPEAL NO.446 OF 2013

Baban S. Khekade and anr. **Vs.** Wasudeo K. Pandhram

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. N. R. Kanungo, Advocate for appellants.

Mr. M. R. Joharapurkar, Advocate for respondent Nos. 1, 1(i), 1(iv) and 1(v).

CORAM : ROHIT W. JOSHI, J.

DATE : 06.05.2026.

1. The present second appeal arises out of judgment and decree dated 16.07.2013 passed by the learned Principal District Judge, Wardha in Regular Civil Appeal No.18 of 2010 by which the learned First Appellate court has confirmed the judgment and decree dated 21.11.2009 passed by the learned 2nd Joint Civil Judge, Senior Division, Wardha in Regular Civil Suit No.160 of 2001.

2. The appellants, are the original defendant. The learned Trial Court has granted a decree for perpetual injunction restraining the present appellants/original defendant from disturbing possession of the respondents/plaintiffs without following due process of law.

3. The said decree is confirmed by the learned First Appellate court. The present respondent had filed suit for specific performance of contract being Special Civil Suit

No.6 of 2001. Decree for specific performance was refused by the learned Trial Court. The learned Trial Court has decreed the suit for specific performance of contract. The said decree is confirmed by the learned First Appellate Court. This Court has dismissed the Second Appeal No.447 of 2013 arising out of suit for specific performance vide judgment dated 20.04.2026. Both the Courts have concurrently held that the respondent/plaintiff was placed in possession of the suit property in terms of the agreement. The said finding of fact is based on appreciation of evidence on record. Moreover, decree for specific performance is confirmed by this Court.

4. In view of the aforesaid, no substantial question of law arises for consideration in the present Second Appeal. Second Appeal is **dismissed** accordingly with no order as to costs.

(ROHIT W. JOSHI, J.)

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