

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

SECOND APPEAL NO. 536 OF 2019

Shrikant Yeshwant Kane

...**VERSUS**...

Shrirang Yehwant Kane and arr.

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

Court's or Judge's order

Shri R.S.Parsodkar, Advocate for appellant.
Shri A.M.Kukday, Advocate for respondent no. 1.

CORAM : SMT. M. S. JAWALKAR, J.

DATE : 08th DECEMBER, 2022

Issue notice to the respondents, returnable within three weeks, on the following substantial questions of law:-

“I) Whether the learned Trial Court erred in framing issue no. 4 without there being any pleading to that effect in the suit ?

II) Whether both the Courts below by allowing to lead evidence on issue no. 4 and considering the same is act of exceeding their jurisdiction ?

III) Whether the suit of the plaintiff is maintainable without prayer for declaration and for cancellation of Gift Deeds ?”

2. Shri A.M.Kukday, learned counsel waives notice for respondent no. 1.

3. Interim order to continue till next date.

(Smt. M.S. Jawalkar, J.)