

IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR  
SECOND APPEAL NO. 04/2019  
WITH  
CIVIL APPLICATION NO. 31/2019  
(Nareshkumar s/o Jodhamal Ahuja and another vs. Hareshkumar  
Rupchand Dodi and others )

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

Court's or Judge's order

.....  
Mr M.G. Bhangde, Sr.Counsel with Mr.S.N. Tapadia, counsel for  
appellants/applicants  
Mr. C.A. Babrekar, Adv. for respondent no.1-caveator.

CORAM : MRS.SWAPNA JOSHI, J.  
DATED : 16<sup>th</sup> January, 2019.

Heard learned counsel for respective parties.

Issue notice to the respondents on the following substantial  
questions of law, returnable after three weeks.

(i) *Whether the finding recorded by the lower  
appellate Court that the respondent no.1/plaintiff had  
proved that he was ready and willing to perform his part  
of contract, is perverse as the admission of the plaintiff in  
cross-examination are not considered?*

(ii) *Whether the lower appellate Court is justified in  
accepting oral evidence of plaintiff, though neither he had  
personal knowledge nor did he claim to have personal  
knowledge of the facts deposed by him ?*

**C.A. NO. 31/2019**

Issue notice to the respondents, returnable after three weeks.

There shall be *ad-interim* relief in terms of prayer clause (a) of the Civil Application No.31/2019, till the returnable date.

**JUDGE**

*sahare*