



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

SECOND APPEAL NO.37/2026

Wasudeo S/o Namdeo Dandekar (Died)
Smt. Devikabai W/o Wasudeorao Dandekar (Wife) and others

...Versus...

Timaji S/o Ramaji Potbhare (Died)
Smt. Kamaljibai Wd/o Tima Potbhare and others

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

Court's or Judge's orders

Mr. D.R. Galande, Advocate for appellants

CORAM : ROHIT W. JOSHI, J.

DATE : 03/02/2026

1. Issue notice to the respondents on the following substantial question of law, returnable on 10/03/2026.

Having recorded that the plaintiff was ever ready and willing to perform his part of contract, could the learned Courts refuse to grant decree for specific performance of contract on the ground that litigation was pending for around 30 years, although the plaintiff was not responsible for the same ?

2. Appellants are directed to serve the respondents by speed post, in addition to regular mode of service and file affidavit of service before the returnable date.

(ROHIT W. JOSHI, J.)