

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.11 OF 2023
WITH
INTERIM APPLICATION NO.168 2023**

Krishna Dagadu Dhokale & Ors. ...Appellants
Versus
Laxman Nivrutti Sawant & Ors. ...Respondents

Mr. Purushottam G. Chavan, for the Appellants.

Mr. R. V. Bansode and Mr. S. H. Katkar, for Respondent Nos. 1 to 3.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 7th JANUARY 2023**

P.C. :

1. Heard the learned counsel appearing for the parties.
2. The Second Appeal is admitted on the following substantial questions of law.
 - i. Whether the judgment of this Court reported in 2017(4)All M.R.21 in the matter between Smt. Shobha w/o Suresh Kurekar V/s. Shri. Mohan s/o Suresh on which the learned First Appellate Court has relied is applicable to the facts and circumstances of this case?

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ii. Whether the decree of the learned First Appellate Court is contrary to the law laid down by the Supreme Court in 2005 (2) Mh. L.J. (SC) 839 in the matter between Bhanu Kumar Jain vs. Archana Kumar & Anr.?

[MADHAV J. JAMDAR, J.]