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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.833 OF 2006

Shankarrao Pandurang Yadav ...Appellant
V/s.
Akkabai Nivrutti Yadav, Deceased,
Thru' Vasantrao S. Patil ...Respondent

Mr.Sandesh Patil, Advocate, for the Appellant.

CORAM : ABHAY S. OKA, J.

DATE : 10TH MARCH, 2008.

P.C.:

1. Heard Advocate appearing for the appellant.
2. Second Appeal is admitted on the following substantial questions of law :-

(a). Whether the Appellate Court completely ignored that the document at Exhibit-57 (agreement dated 16th April, 1974) relied upon by the respondent itself proves the execution of the gift deed dated 16th April, 1974 by deceased Nivrutti?

(b). Whether the Appellate Court completely ignored that the gift deed was executed on

16th April, 1974 which was never challenged by the executant of the gift deed till his death on 1st March, 1983?

(c). Whether the Appellate Court completely ignored that once the document at Exhibit-57 relied upon by a respondent-plaintiff is held to be proved, there could not be any inconsistent finding as regards invalidity of gift deed at Exhibit-58?

3. Printing is dispensed with. Private paper-book to be filed within a period of one year, failing which Appeal will stand dismissed for non-prosecution without further reference to the Court.

[ABHAY S. OKA, J.]