

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.34 OF 2018
WITH
CIVIL APPLICATION NO.1325 OF 2017**

Prakash Baburao Arwade,
Since Deceased, Through LRs. & Ors.Appellants

Vs.

Raghunath Babaji Keripale,
Since Deceased, Through LRs. & Anr.Respondents

Mr. Kuldeep U. Nikam, for the Appellants.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 13th FEBRUARY 2026

PC.:-

1. Heard learned counsel appearing for the Appellants.
2. The following substantial questions of law are framed:

(i) Whether time was the essence of the contract between the parties especially in light of the admitted fact that the payment of subject bank loan amount of the plaintiff by the defendants was in fact the precondition between the parties ?

(ii) Whether the prayer of specific performance prayed by the defendants in their counter claim is barred by limitation and whether both the learned lower Courts were justified in not even framing the said substantial issue ?

(iii) Whether both the learned lower Courts were justified in allowing the counter claim of the defendants specially after holding that the defendants had not paid the agreed amount towards loan within the time stipulated in the subject contract ?

3. The Appeal is **Admit.**
4. The status quo, which is granted by this Court is continued.
5. Call for record and proceeding.
6. Stand over on **13th March 2026.**

(MRS. VRUSHALI V. JOSHI, J.)

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