

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

SECOND APPEAL NO.1 OF 2023

Niyojit Shri. Vinoba Bhave Smruti Sahakari
Grahnirman Sanstha Solapur through
Chief Promoter Mahboobso Daudso Shaikh ...Appellant

Versus

Rukminibai Nagnath Shahpurkar
deceased through legal heirs
Sumanbai Tukaram Shahpurkar & Ors. ...Respondents

Mr. Pramod Patil a/w. Mr. Ajit Hon a/w. Shamsunder S., i/b. PNP &
Associates, for the Appellant.

Mr. Govind Salonke, i/b. Mr. L. S. Deshmukh, for the Respondent
No.3A.

Mr. Surel S. Shah a/w. Mr. Ishaan Kapse, for Respondent No.4.

Mr. Shrishail Sakhare, for Respondent No.7.

CORAM : MADHAV J. JAMDAR, J.

DATED : 25th JANUARY 2023

P.C. :

1. Heard Mr. Pramod Patil, learned counsel appearing for the Appellant, Mr. Govind Salonke, learned counsel appearing for Respondent No.3A, Mr. Surel Shah, learned counsel appearing for the Respondent No.4 and Mr. Shrishail Sakhare, learned counsel appearing for Respondent No.7.

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2. The Second Appeal is admitted on the following substantial questions of law.

i. Whether the finding recorded by the learned First Appellate Court as well as the learned Trial Court that Plaintiff failed to prove execution of agreement dated 27th January 1984 and contents of the same is in accordance with the evidence on record?

ii. Whether the findings recorded by the learned First Appellate Court and the learned Trial Court are after considering the entire evidence on record and particularly the cross-examination of D.W.1-Mallikarjun Nagnath Shahpurkar?

iii. Whether the findings recorded by the learned First Appellate Court and learned Trial Court are without considering the findings recorded in Regular Civil Suit No.662 of 1987 as confirmed by the Appellate Court by the Judgment and Decree dated 30th August 2011 passed in Regular Civil Appeal No.478 of 1999?

[MADHAV J. JAMDAR, J.]