



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1014 CIVIL APPLICATION NO. 10620 OF 2026
WITH
CIVIL APPLICATION NO. 10621 OF 2026
IN/WITH SAST/25220/2026

Limba Dagdu Sasane
VERSUS
Vithal Dasu Paul

...
Advocate for Applicant : Mr. Vinay B. Anjanwatikar h/f Mr. Akash P.
Kadam
.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 11th SEPTEMBER, 2026

PER COURT :-

1. The civil application No. 10620 of 2026 is filed for condonation of delay of 108 days caused in filing the second appeal. Heard learned advocate for the applicant. For the reasons stated in the application, the application is allowed in terms of prayer clause "A" and disposed of.

2. In second appeal, heard learned advocate for the appellant. He pointed out the impugned judgment and decree of the trial court as well as the first appellate court. Considering the facts and circumstances of the case and the arguments of learned advocate for the appellant, following substantial questions of law arise for consideration:-

- I. Whether Exh.65 sell deed of the suit property is valid agreement to sell?
 - II. Whether the trial court and the first appellate court erred in ignoring sections 91 and 92 of the Indian Evidence Act?
3. **Admit.** Call for record and proceedings. Issue notice to the respondents, returnable on 09.10.2026.
4. In so far as the civil application No. 10621 of 2026 is concerned, considering the fact that the warrant has been issued by order dated 7.9.2026 by the executing court in Regular Darkhast No. 27 of 2021, there shall be ad-interim relief in terms of prayer clause "A" of the said civil application.
5. Issue authenticated copy of this order to the requesting party.

(SANJAY A. DESHMUKH, J.)

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