

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

SECOND APPEAL NO.3 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms.Smita Mane for the appellant
Mr.PP.More for the respondent

CORAM : K.K.TATED, J.
DATED : 07/09/2015

PC:

1 Heard the learned counsel for the parties.

2 Liberty granted to the appellant to carry out appropriate amendment by adding additional grounds of Appeal in Appeal Memo.

3 Amendment be carried out within one week from today.

4 Second Appeal is preferred by plaintiff challenging the judgment and decree dated 17.8.2013 passed by learned District Judge, Pune in Regular Civil Appeal No.21 of 2012 by which the appellate court set aside the judgment and decree dated 20.12.2011 passed by learned Civil Judge, Junior Division, Ghodegaon in Regular Civil Suit No.69 of 2006.

5 Admit, on the following substantial

question of law:

(a) Whether the lower Appellate court was justified in allowing the Appeal under Order 9 Rule 8 of the Civil Procedure Code, 1908 when there was altogether different cause of action so far as Appellant is concerned?

(b) Whether the Lower Appellate court was justified to hold that the Appellant had not proved encroachment on the part of the Respondents to the extent of 300 sq.mtrs. on the basis of Commissioners Report at Exhibit-26?

(c) Whether the Appellant proved the ownership of the Suit Property Gut No.881/B on the basis of sale deed dated 13.07.1993?

6 Appellant to file private paper book within one year from today, failing which the appeal shall stand dismissed without further reference to the court.

7 Printing and filing of Roznama is dispensed with.

8 The learned counsel or the respondent waives service.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed order.