

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO.251 OF 2013

Baxi s/o Kawadu Charne & Ors.

-vs-

Sakharam S/o Kawdu Charne & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri O. W. Gupta for appellant.

CORAM : A.S.CHANDURKAR J.

DATE : MARCH 04, 2015.

Admit on following substantial questions of law :

- (i) When the appellants have become statutory owners of the suit property by virtue of purchase certificate issued under Section 43 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, whether said right could be defeated by virtue of sale deed dated 31/07/1971 in favour of the defendants ?
- (ii) Whether both the Courts erred in not referring the issue of tenancy and statutory ownership to the tenancy Court in view of provisions of Section 125 of the said Act ?

C.A.No.505 of 2013

As the respondents are already served on aforesaid Civil Application, the parties are directed to maintain *status quo* as on today during pendency of the Second Appeal.

C.A. stands disposed of.

JUDGE