

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

SECOND APPEAL NO. 24 OF 2014

Tukaram Tatoba Jadhav,
deceased through legal heirs,

a) Smt. Anusaya Tukaram Jadhav & Ors.

...Appellants

vs.

Dilip Sarjerao Nimbalkar & Anr.

...Respondents

Mr. Amit Sale for Appellants.

Mr. P. D. Dalvi for Respondents.

CORAM : S.C. GUPTE, J.

21 MARCH 2017

P.C.:

Heard learned Counsel for the parties.

2 This second appeal impugns a judgment and order passed by the District Court at Kolhapur in a civil appeal. By the impugned judgment and order, the learned District Judge allowed the Respondents' appeal and decreed their suit for specific performance of an agreement of reconveyance.

3 The only question urged in the present second appeal by learned Counsel for the Appellants (original Defendants) is that the purported agreement for reconveyance was executed one day prior to the Defendants having acquired the title to the suit property. Under Section 13(1)(a) of the Specific Relief Act, where a person contracts to sell any immovable property having no title and subsequently acquires title or interest in the property, the purchaser may compel him to make good the contract out of such title or interest. This provision of Specific Relief Act

has been correctly applied by the lower appellate court and accordingly, the Plaintiffs' suit has been decreed. No substantial question of law arises from the impugned judgment and order.

4 The second appeal is dismissed. No order as to costs.

(S.C. GUPTE, J.)