

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 435 OF 2015

WITH

CIVIL APPLICATION (STAMP) NO. 6187 OF 2017 (NOT ON BOARD)

IN

SECOND APPEAL NO. 435 OF 2015

Shri. Raghunath Baburao Patil And Anr. ...Appellants

vs.

Shri. Bapu Jivaba Ghunake And Ors. ...Respondents

....

Mr. Prashant Bhavake, for the Appellants.

Mr. S.R. Borulkar, i/b. Mr. Manoj A. Patil, for the Respondents.

.....

CORAM : S.C. GUPTE, J.

DATED : 2 MARCH 2017

P.C. :

. Heard learned Counsel for the parties.

2. This Second Appeal challenges a judgment and order passed by the first Appellate Court confirming the decree passed by the Trial Court. The subject matter of controversy in the present suit is specific performance of an agreement for sale executed by the Appellants (Original Defendants) in favour of the Respondents (Original Plaintiffs). The Appellants' defence to the specific performance suit was of denial of the execution of the subject agreement. Two courts below have concurrently found the agreement to be duly executed and subsisting. No substantial question of law arises in the appeal. The Second Appeal is,

accordingly, dismissed. No order as to costs.

3. In view of the dismissal of the Second Appeal, the Civil Application does not survive and the same is also disposed of.

(S.C. GUPTE, J.)