

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.40 OF 2016

VIJAY DADAJI WAREKAR
VS
STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. I. Dhatriak, Advocate for the appellant.
Shri S. B. Bissa, Astt. Govt. Pleader for respondent nos.1 to 4.
Shri D. N. Kukday, Advocate for the respondent no.5.

CORAM : A.S. CHANDURKAR, J.
DATED : JULY 6, 2017.

Heard.

Admit on the following substantial questions of
law:

(1) Whether the finding recorded by the appellate Court that the suit filed by the appellant on 11-4-2007 was barred by limitation in view of mutation entry No.50 dated 24-4-1988 [Exhibit-49] is legally correct ?

(2) Whether the judgment of lower appellate Court suffers from non-application of mind to the findings of fact recorded by the trial Court on material aspects of the matter and is in ignorance of the documentary evidence at Exhibits 62 and 66 in the form of registered sale-deeds in favour of the

appellant ?

Shri S. B. Bissa, learned Assistant Government
Pleader waives notice on behalf of respondent Nos.1 to 4.

Shri D. N. Kukday, learned Counsel waives notice
on behalf of respondent No.5.

Call for record and proceedings.

Hearing of the appeal is expedited.

JUDGE

/MULEY/