

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

SECOND APPEAL NO.142 OF 2017

Kamlabai wd/o Rajaram Raut and ors.

-vs-

Pandurang s/o Kashiram Bhoyar

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

Court's or Judge's Orders.

Shri S. R. Deshpande, Advocate for appellant.

CORAM : A.S.CHANDURKAR, J.

DATE : September 22, 2017

Heard.

Admit on the following substantial question of law :

“ The appellate Court having held that the transaction between the parties was not a mortgage with conditional sale, whether the decree as passed by the trial Court was liable to be reversed on the ground that the plaintiff was not ready and willing to perform his part of contract ? ”

Call for record and proceedings.

C.A.S. No.253 of 2017

Considering the nature of decree passed by the appellate Court, the application is permitted to be withdrawn with liberty to file appropriate application seeking necessary relief. Application is disposed of.

JUDGE