

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

SECOND APPEAL NOS.81, 82 AND 83 OF 2018

Dr Rajashree w/o Bipin Shende and anr.

-vs-

Dr Suresh s/o Mishrilal Chhjed and ors.

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

Court's or Judge's Orders.

Shri A. R. Deshpande, Advocate for appellants.
Ms Geeta Tiwari, AGP for respondent Nos.8 & 9/State.
Shri R. Darda, Advocate for respondent No.4 in S.A. No.83/18

CORAM : A.S.CHANDURKAR, J.
DATE : February 13, 2018

Issue notice for final disposal of the second appeals
on the following substantial questions of law :

(i) In the absence of any defence being raised in the written statement that the suit as filed was barred in view of provisions of Section 158 of the Maharashtra Land Revenue Code, 1966 and in absence of any such issue being framed by the trial Court, whether the first appellate Court could have entertained that question without adequate notice to the plaintiff ?

(ii) Whether the cognizance of the civil suit is barred under Section 158 of the Maharashtra Land Revenue Code, 1966?

Notice returnable on **09/04/2018**.

Learned Assistant Government Pleader waives notice on behalf of respondent Nos.8 and 9. Shri R. Darda, learned counsel waives notice on behalf of

respondent No.4 in S.A.No.83/2018.

Humdast for service on other respondents.

Civil Application Nos.220, 221 and 222 of 2018.

As the appellate Court has dismissed the suit filed by the original plaintiff, Shri A. R. Deshpande, learned counsel for the applicant seeks permission to withdraw the civil applications with liberty to file fresh applications making appropriate prayers.

Civil Applications are permitted to be withdrawn with aforesaid liberty.

JUDGE