

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

SECOND APPEAL NO.482 OF 2017

Bhavna w/o Damodhar Bhoyar
-vs-
Kundlik w/o Gomaji Hinge, Nagpur

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

Court's or Judge's Orders.

Shri M. D. Samel, Advocate for appellant.

CORAM : A.S.CHANDURKAR, J.
DATE : September 14, 2018

The respondent has been duly served with the notice.

Admit on the following substantial question of law :

“ In the light of the evidence on record as regards the plaintiff's financial capacity to pay the balance consideration, whether the Courts have exercised discretion in favour of the plaintiff while decreeing the suit for specific performance ?”

Hearing expedited.

Civil Application No.923 of 2017

Perused contents of the application.

As the Second Appeal has been admitted, the execution of the impugned decree shall remain stayed during pendency of the appeal. It would not be necessary for the plaintiff to deposit the balance

consideration as directed. However, in case the decree is maintained the plaintiff would have to deposit the balance consideration along with interest at such rate the Court may direct. The applicant shall not create any third party rights in the suit property.

Civil Application is allowed and disposed of in aforesaid terms.

JUDGE