

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

CAS NO.280/2019 IN SA NO.519/2011
Sudhakar s/o Sakharampant Mahajan
..VS..
Gopal s/o Gangadhar Gharote

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

Court's or Judge's Order

.....
Shri Atul Pande, Counsel for the Applicant/Appellant.

CORAM : V.M.DESHPANDE, J.
DATED : JUNE 24, 2019.

1. This is an application for grant of early hearing of the second appeal.
2. Heard learned counsel Shri Atul Pande for the applicant/appellant.
3. The applicant/appellant is original plaintiff who filed a suit for specific performance of contract. The Trial Court decreed the suit and granted decree of refund of earnest money. The said was confirmed by Lower Appellate Court in appeal taken by the plaintiff. Reasons for refusing the specific performance of contract by both the Courts below is that part of land under agreement is under acquisition.
4. On 26.9.2012, the present second appeal is admitted on substantial question of law by observing that whether the Courts below were right in refusing grant of specific performance of contract when the plaintiff was ready

to get sale-deed executed at his risk.

5. The second appeal is of Year 2011. Looking to question involved in the matter, I all the present application.

6. Office is directed to place the second appeal for hearing in week commencing from **5th of August 2019**.

7. The civil application is disposed of as such.

JUDGE

!! BRW !!