

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

Civil Application (CAS) No.1147/2018 in
Second Appeal Stamp No. 20458/2018
Kanchan Tikle Vs. Amrut Dhongde

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

Court's or Judge's orders

Mr. Y.R. Kinkhede Advocate for appellant
Mr. V.S. Mishra, Advocate for respondent

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 23, 2019

This is an application for condonation of delay in filing accompanying second appeal. Notice was issued in this application on 12/09/2018 and the sole respondent (Non-applicant) has entered appearance through counsel.

Although the prayer for condonation of delay is opposed, for the reasons stated in the application, the same is allowed and delay is condoned.

Second Appeal Stamp No.20458/2018

Issue notice on the following substantial questions of law.

1. Whether the Courts below were justified in rejecting the prayer for grant of decree of specific performance in favour of the appellant despite holding in her favour on the aspects of existence of agreement

and her readiness and willingness to perform her part of the contract, only on the ground that the property was jointly owned by the respondent alongwith his sister?

2. Whether the Appellate Court was justified in holding against the appellant on the ground that decree of specific performance could not be granted even to the extent of share of the respondent since he had only undivided share in the suit property?

The notice shall be returnable in six weeks.

Mr. Ishant Tambi, learned Advocate waives notice on behalf of sole respondent.

JUDGE