

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

SECOND APPEAL NO.7 OF 2016

(Bhagwan s/o Vithuji Lonare Vs. Damodhar s/o Jairam Sao)

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

Court's or Judge's orders.

Shri R.L. Khapre, Advocate with Shri A.Z. Jibhate, Advocate for Appellant.
Shri S.K. Verma, Advocate for Respondent.

CORAM: ROHIT B. DEO, J.

DATE: 27th MARCH, 2019.

Heard.

2] **Admit** on the following substantial questions of law.

[i] In the absence of relief seeking declaration that the termination of the suit agreement is illegal, was the suit for specific performance maintainable?

[ii] Whether the courts below have applied the correct principle of law in considering the prayer for specific performance?

[iii] Whether the finding concurrently recorded that the plaintiff was ready with consideration is based on "no evidence"?

[iv] Whether the plaintiff was entitled to the benefit of Section 14 of the Indian Limitation Act?

[v] Whether the complaint preferred before the Consumer Forum was a civil proceeding pending in a court?

Civil Application (CAS) No.30/2016:

The appeal is admitted on substantial questions of law.

2] The learned counsel for the respondent Shri Verma states that the undertaking already given that the plaintiff shall not execute the judgment and decree impugned shall continue to operate till the final disposal of the appeal.

3] The application is disposed of.

JUDGE