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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
SECOND APPEAL NO.30 OF 2020  
WITH  
INTERIM APPLICATION (I.A.) NO.1 OF 2020  
IN  
SECOND APPEAL NO.30 OF 2020**

Sou Kantabai Dattu Bere and Ors. .... Appellants.

V/s

Sou Tolan Pandurang Bere & Ors. .... Respondents.

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Mr. Ram Haridas alongwith Mr. Nanaso V. Gaikwad alongwith Mr. Shriram S. Chaudhary for the Appellant.

Mr. Tushar Sonawane i/b Mr. Prashant S. Hagase for Respondent Nos. 4 to 7.

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**CORAM: NITIN W. SAMBRE, J.**

**DATE: FEBRUARY 17, 2020**

**P.C.:-**

1] Heard learned Counsel for the Appellants/original Plaintiffs.

2] Suit for specific performance based on oral agreement dated 5/3/2013 for transfer of agricultural property for consideration of ₹ 20 lakhs is sought to be established through evidence. Both the Courts below have concurrently held that Appellants have not established their case based on oral agreement as agreement itself was not proved.

3] Appellants in support of their claim have examined Plaintiff No.2 and witness Anil Markad. Both these witnesses have not established before the Courts below through their evidence about execution of oral agreement, payment of consideration and terms of such contract. Though Appellants have relied upon two transactions viz (a) sale of their tractor and (b) sale of their cows, even these transactions were not established by any supportive evidence. Both the Courts have concurrently held that Appellants have not proved their oral agreement.

4] In view of above, in my opinion, no substantial question of law is involved which warrants consideration. Second Appeal as such lacks merits and same stands Dismissed. As a consequence, Interim Application does not survive and same also stands disposed of.

**( NITIN W. SAMBRE, J. )**