

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO. 687 OF 2016
WITH
CIVIL APPLICATION NO. 1364 OF 2016
IN
SECOND APPEAL NO. 687 OF 2016**

Shri. Rajendra Bapuso Sutar ...Appellant/Applicant

Versus

Atul Balaso Bondre & Ors. ...Respondents

Mr. A. V. Anturkar, Senior Advocate i/b. Mr. Tanaji Malugade, Advocate for the Appellant/Applicant.

Mr. Mandar Bagkar i/b. Mr. Chetan Patil, Advocate for the Respondent No.1.

CORAM : A. S. GADKARI, J.

DATE : 30th NOVEMBER, 2021.

P.C.:-

It is an admitted fact on record that, the Appellant had agreed to purchase suit property from Respondents by executing an agreement dated 30th May 1998 (Exh.33). The entire transaction of sale was to be completed within one year and six months and in any event on or before 30th April 2000. The period to file suit for specific performance as contemplated under Article 54 of the Limitation Act, 1963 came to an end on 30th April 2003.

It is the further admitted fact on record that, the Appellant filed present suit i.e. Regular Civil Suit No. 290 of 2012 for specific performance and compensation on 31st January 2012, which is undoubtedly beyond the period of limitation.

2 Perusal of impugned Judgments and Orders of both the Courts below would clearly indicate that both the Courts have dismissed the suit of the Appellant mainly on the ground of limitation.

3 Perusal of record reveals that, no substantial question of law is involved in the present Second Appeal.

4 Appeal is accordingly dismissed.

5 In view of disposal of Second Appeal itself, Civil Application No.1364 of 2016, does not survive and is also disposed off.

(A. S. GADKARI, J.)