

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

SECOND APPEAL NO. 48 OF 2021
WITH
CIVIL APPLICATION (CAS) NO. 119 OF 2021
WITH
CIVIL APPLICATION (CAS) NO. 41 OF 2021
 (Dinkar S/o Laxmanrao Deshmukh
Vs.
 Santosh S/o Tulsiram Barai)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri V.N. Morande, Advocate for the appellant/s.

CORAM: MRS. SWAPNA JOSHI, J.

DATED : 26th FEBRUARY, 2021.

Heard.

2. Issue notice to the respondent on the following substantial question of law:

" Whether the learned lower appellate Court was justified in relying upon the document Exhibit 22 "patta" in the absence of identification of the suit property ? "

3. Notice made returnable in **four weeks**.

CIVIL APPLICATION (CAS) NO. 119 OF 2021

This is an application to dispense with the objection to file affidavit.

2. For the reasons mentioned in the application and in the interest of justice, the same is allowed.

3. The Civil Application (CAS) No. 119/2021 stands **disposed** of accordingly.

CIVIL APPLICATION (CAS) NO. 41 OF 2021

Shri Morande, the learned counsel for the appellant submits that he is in possession of the suit property.

2. In view thereof, there shall be ad-interim stay in terms of prayer clause (2), till returnable date.

(MRS. SWAPNA JOSHI, J.)