

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

Civil Application (CAS) No.284/2020
IN
Second Appeal No.111/2020

Abdul Gani s/o Majid Sheikh (Dead) thr. L.Rs. & Ors. **Vs.** Yeshwant s/o Harichand Meshram &
Anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Smt. S.H. Diwan, Advocate for the Appellants.

CORAM : S.M. MODAK, J.
DATE : 21st SEPTEMBER, 2021.

Heard.

Photocopy of the certified copy of the judgment of the
trial Court is filed. The copy of decree is not filed.

The application is partly allowed.

The appellants to file certified copy of the decree when
obtained.

The civil application is disposed of.

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When the learned Advocate for the appellants/original defendants started the argument on admission, query was put to her whether she has pleaded any substantial question of law as required under Section 100 of C.P.C. She pointed out to me the phrase used in opening paragraph of memo of appeal on page 2.

However, when the facts and grounds pleaded in the memo of appeal are perused, I do not find any substantial question of

law being suggested. Though there are grounds on which the judgment of the first Appellate Court is challenged, those grounds are not being drafted in the manner required under Section 100 of C.P.C. That is to say, suggesting any substantial of law.

It seems that the appeal has been drafted just like drafting of the first appeal. The appellants are granted time to again verify this position and if the appellants are convinced that really a substantial of law is involved, the appellants are at liberty to incorporate it in the memo of appeal by making necessary amendment.

Matter be kept after three weeks.

JUDGE

vijay