

**1**

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

**CIVIL APPLICATION (CAS) NO.634/2021**  
**IN**  
**SECOND APPEAL NO.206/2021**

Shalikram s/o Dhudhramji Ikhar (dead) through LR's. Smt Sunita w/o Shalikramji Ikhar and others

Vs.

Badal s/o Ramaji Thaware and others.

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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 K.K. Gour, Advocate for appellants.

**CORAM : S.M. MODAK, J.**

**DATE : OCTOBER 04, 2021.**

Heard the arguments of learned Advocate for the appellant/defendant nos.1 to 5. They are the heirs of the purchaser Shalikram Ikhar. The said Shalikram Ikhar has purchased the suit property vide sale-deed dated 28/04/1988 executed with one Shakuntlabai Thaware. She claims to be one of the wives of deceased Ramji Thaware.

2. Plaintiff no.1 Badal Thaware is the son born to said Ramji Thaware from plaintiff no.2 Santoshibai Thaware. She also claims to be one of the wives of Ramji Thaware. In the suit both the plaintiffs have challenged the sale-deed executed with Shalikram Ikhar. Though the Trial Court dismissed the suit, the decision was reversed by the First Appellate Court. Defendant nos.1 to 5 have again sold the suit property to defendant nos.6 and 7. Said defendant nos.6 and

**2**

7 are present appellant nos.3 and 4, whereas only two heirs of Shalikram are appellants and others are respondent nos.3 to 5.

3. The defendants were directed to hand over possession of the suit property to plaintiff no.1. Learned Advocate for the appellants emphasized that the First Appellate Court erred in deciding the issue of limitation and the issue about bar of suit on the basis of principle of res-judicata.

4. During the arguments, learned Advocate has referred to in all three suits filed by different parties. They are apart from the present suit. So prayer to decide the question whether any substantial question of law arises, it is necessary to go through the judgment minutely. Hence matter be kept on **07/10/2021** for further hearing at serial no.1 as part heard.

CIVIL APPLICATION (CAS) NO.634/2021

The appellant wants to file various judgments and pleadings about the earlier suits. They are very much relevant. Prayer is granted and application is disposed of. Once the respondents appear, their copies be supplied to them.

**JUDGE**

R.S. Sahare