

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

Civil Application [CAS] Nos.1132 & 1166 of 2018 & 950 of 2019
in
Second Appeal No.412 of 2014

Anna Mangalsao Dhopte (Dead), through L.Rs. & others
vs.
M/s. Aren Builders & Promoters & others

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

Court's or Judge's Orders

Mr. S.S. Sarda h/f Mr. R.M. Bhangde, Advocate for the Applicants/Appellants.
Mr. B.G. Kulkarni, Advocate for Respondent No.1.

CORAM : S.M. MODAK, J.
DATE : 7th JUNE, 2022.

Heard both the sides.

02] By these applications, the appellants want this Court to frame additional substantial questions of law suggested in all these applications. Already this Court has framed substantial questions of law on 28/11/2016.

03] The learned Advocate for the respondents submitted that all these applications can be considered at the time of final hearing in view of the fact that there is a long time gap in between the date on which earlier substantial questions of law were framed till now. The learned Advocate for the applicants is consenting that all these applications be considered at the time of final hearing.

04] It is true to say that once the substantial questions of law are framed, parties are put to the notice about the case, which they have to plead before the Court. The appellants are at liberty to argue that question suggested in all these three applications need to be framed. At that time, appropriate decision will be taken on merits. Hence, all these applications be considered at the time of final hearing.

Civil Application [CAS] No.1320/2018:

Heard both sides.

02] Respondent No.1 wants the record of Special Civil Suit No.175/1986 be called for perusal of this Court while deciding this appeal. Respondent No.1 has challenged the compromise decree passed in that suit by way of Special Civil Suit No.1343/1995. Respondent No.1 is a plaintiff in that suit and the suit was decreed and it is confirmed by the first appellate Court. Both these judgments are challenged in this appeal.

03] The present respondent No.1, who is a plaintiff in Special Civil Suit No.1343/1995 ought to have adduced the evidence in that suit and that must have been considered by the trial Court. Apart from that, if respondent No.1 wants to file on record any document from those proceedings, he is at liberty to do the same after taking the leave of the Court. At present, this Court does not feel to call the record of Special Civil Suit No.175/1986. Hence, the application is disposed of.

04] The matter be kept after three weeks.

JUDGE

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