

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

**INTERIM APPLICATION NO.3430 OF 2020
IN
SECOND APPEAL NO.57 OF 2021
WITH
SECOND APPEAL NO.57 OF 2021**

Dada Yashwant Patil and Anr. ...Applicants

Versus

Sopan Bhima Davare (since
deceased through legal heirs)

1a. Shalan Sopan Davare and Ors. ...Respondents.

....

Mr. Shriram S. Kulkarni i/b. Mr. Vikas Kolekar for the Applicants.

Mr. Umesh R. Mankapure with Ms Stefy. Dias for Respondent Nos.1a to
1d.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd OCTOBER, 2023.

P.C.:-

1. This is an appeal under Section 100 of the CPC challenging the judgment dated 23/01/2020 whereby the learned Appellate Court has allowed the appeal and set aside the judgment and decree passed by the Trial Court.

2. The appeal is admitted on the following substantial question of law:-

(a) Whether the suit for recovery of possession filed by the Respondent-Plaintiff was barred by law of limitation?

3. Call for the record and proceedings. Paper book to be filed within a period of six months. Issue notice to the Respondents. Mr. Umesh R. Mankapure, learned counsel waives service of notice on behalf of Respondent Nos.1a to 1d.

INTERIM APPLICATION NO.3430 OF 2020:-

4. Since the appeal is admitted, execution of the impugned judgment is stayed pending hearing of the appeal.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)