

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

CIVIL APPLICATION (CAS) NO. 56 OF 2023
IN
SECOND APPEAL NO. 483 OF 2022

Vinod Ramraoji Duryodhan

...**VERSUS**...

Nivrutti S/o. Paikujji Shende and ors.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri H.V.Thakur, Advocate for appellant.

CORAM : SMT. M. S. JAWALKAR, J.

DATE : 16th JANUARY, 2023

The present application is filed for speaking to minutes.

2. The notices were issued on only one substantial question of law, whereas at the time of argument, two substantial questions of law were formulated for consideration while issuing the notices. Hence, 2nd substantial question of law needs to be added.

3. Notices are already issued, but it appears that copies are not supplied in view of the pending application for speaking to minutes. I have gone through the appeal memo and it appears that, second substantial question of law viz. “*Whether the Courts below were justified in holding that late Pandurang Shende had no right and title to the suit field admeasuring 1 H and 21 R, bearing Survey No. 48/2 of Mz. Kalamgaon and that late Vatsalabai was the sole owner thereof ?*”, needs to be considered at the time of admission. Hence, notice to be issued on the second substantial question of law also.

4. As such, order dated 20/12/2022 is hereby modified by adding second substantial question of law in the said order.
5. Issue fresh notice to the respondents, returnable within three weeks.
6. So also, it needs correction in the first substantial question of law by substituting word “her” instead of word ‘his’.
7. Accordingly, the application stands disposed of.

Civil Application (CAS) Nos. 72/2023, 73/2023, 74/2023 and 75/2023

Issue notices to the proposed legal heirs of respondent no. 3, returnable within three weeks.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar