

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

CIVIL APPLICATION (CAS) NO. 239 OF 2023
IN
SECOND APPEAL NO. 491 OF 2022

DAYARAM KESHWRAO PATEKAR (DEAD) THR. LRS. 1) SMT. NIRMALABAI DAYARAM PATEKAR AND ORS.

...**VERSUS**...

NARAYANRAO SHANKARRAO KHULE

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

Court's or Judge's order

Shri P.S.Patil, Advocate for applicants/appellants.

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

DATE : 20th FEBRUARY, 2023

It appears that this Court has issued the notice on this application to the respondent on 06/02/2023, however, office note dated 14/02/2023 shows that in view of Hon'ble Apex Court's order dated 10/01/2022, the period of limitation has been excluded and as such, there is no delay.

2. In view thereof, application stands disposed of, as there is no delay in the matter.

SECOND APPEAL NO. 491 OF 2022

Issue notice to the respondent, returnable within three weeks, on the following substantial question of law:-

“Whether the learned lower Appellate Court is right in reversing the judgment and decree passed in favour of the plaintiff on the ground of jurisdiction of Civil Court to decide the issue of fragment under the provisions of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act specifically in view of Section 36(A).”

CIVIL APPLICATION (CAS) NO. 1366 OF 2022

Issue notice to the respondent, returnable within three weeks.

2. In the meanwhile, parties to maintain status quo as on today.

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

B.T.Khapekar