

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

SECOND APPEAL NO. 377/2022

Harishankar S/o Maroti Dorle (Dead) through L.Rs. Indira Harishankar Dorle and others
Vs.

Narayangiri S/o Panchangiri Gosawami and others

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

Court's or Judge's orders

Shri P.D. Meghe, Advocate for appellants
Shri A.K. Choube, Advocate for respondent No.1

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

DATE : 29/03/2023

Heard.

The Appeal is **admitted** on following substantial
question of law :

“(i) Whether learned Appellate Court recorded perverse finding regarding cash payment of Rs.5,00,000/- and in respect of readiness and willingness of the plaintiff?”

“(ii) Whether the learned Appellate Court justified in reversing the judgment and decree passed by the Trial Court, specifically when the learned Trial Court has recorded its finding that plaintiff failed to establish that the cash payment of Rs. 5,00,000/- was made to the defendant?”

(iii) Whether learned First Appellate Court recorded perverse finding with regard to receipt of cash payment of Rs.5,00,000/-”

As record is available, learned Counsel for the appellant to file private paper book within four weeks.

List the matter for final hearing on 27/04/2023 at 2:30 p.m.

CIVIL APPLICATION (CAS) NO. 1046/2022

In view of the fact that second appeal is admitted, there shall be stay to the effect, execution and operation of judgment passed by the learned Adhoc District Judge-1, Nagpur in Regular Civil Appeal No. 611/2017 dated 08/04/2022.

Application stands disposed of.

(SMT. M.S. JAWALKAR, J.)