

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

SECOND APPEAL NO. 185/2021

Ramdas S/o Vithoba Mangar
Vs

Tukaram S/O Donuji Mangar (Dead) Thr. Lrs. Smt. Maltabai Keshao Bhagat And Others

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

Court's or Judge's Order

Mr Madhur A. Deo, advocate for the appellant.

Ms Shital V. Dhawas, advocate for the respondents.

CORAM : ANIL S. KILOR, J.

DATED : 02/02/2023

1. Heard.

2. This Second Appeal raises a question to the correctness and legality of the judgment and decree dated 08/11/2016, passed by the Adhoc District Judge-2, Chandrapur in Regular Civil Appeal No. 286/2005, confirming the judgment and decree dated 28/10/2005, passed by the Civil Judge, Junior Division, Saoli, Tah. Saoli, District Chandrapur in Regular Civil Suit No. 11/2000, dismissing the suit for declaration and specific performance of contract.

3. After going through the record and the judgment and decree of both the Courts below, it is evident that both the Courts below have held that the plaintiff has rescinded the contract of sale and obtained a refund of earnest money of Rs. 12,000/-from defendant No.1. Further, both the Courts below have held against the plaintiff that, he was not ready and

willing to perform his part of the contract, and failed to prove his possession over the suit land, accordingly both the Courts below denied a decree of specific performance of the contract.

4. In the above referred backdrop, I have heard the learned advocate for the respective parties and after hearing both the parties, I do not find any substantial question of law involved in the present appeal. Accordingly, the second appeal is **dismissed**.

JUDGE