

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

SECOND APPEAL NO. 446/2022

(Balu S/o Ramrao Thakare and another Vs. Sau. Mangalabai W/o Wasudeo Chetarkar)

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

Court's or Judge's orders

Shri C.A. Barbekar, Advocate for appellants
 Ms Maira Ateeb, Advocate for respondent

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

DATE : 15/03/2023

Heard both the parties.

The appeal is admitted on following substantial question of law :

*“(i) Whether both the learned Lower Courts were justified to put the burden on the defendant to prove the sale-deed as genuine, specifically when the sale-deed was registered one?
 (ii) Whether both the learned Lower Courts erred in decreeing the suit in view of the oral evidence of the plaintiff about the genuineness of the sale deed?”*

CIVIL APPLICATION (CAS) NO. 1231/2022

Heard both the parties.

2. Appellant is in possession of the suit property. As the appeal is admitted, interim relief in terms of prayer clause - (1).
3. Application stands disposed of.
4. Appeal is expedited.