

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

Second Appeal No.76 of 2023

SUDHAKAR S/O TULSHIRAM KOLHE
VS
MANORAMA SHRIDHAR BOROLE

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

Court's or Judge's Order

Ms D.I. Charlewar, Advocate for the Appellant

**CORAM : ANIL S. KILOR, J.
DATED : 31.01.2023**

1. Heard.
2. In the present appeal, the judgment and decree dated 22.08.2022 passed by the District Judge 2 and ASJ, Achalpur in Regular Civil Appeal No.11 of 2014, confirming the judgment and decree dated 20.11.2013 passed by the Civil Judge Senior Division, Daryapur, District Amravati in Regular Civil Suit No.26 of 2012, partly allowing the suit and refusing the claim for specific performance on the ground that the suit is barred by limitation, is under challenge.
3. Both the Courts-below have concurrently held that the time was essence of the contract dated 01.07.1996 and the date for execution of the sale deed

had fixed as 31.03.1997. Whereas, the suit was filed in the year 2012 for specific performance. Thus, it is evident that the suit was not filed within three years from 31.03.1997, as per Article 54 of the Limitation Act, 1963.

4. The learned trial Court has on merit also held that the plaintiff/appellant failed to prove the readiness and willingness to perform his part of contract. In the circumstances, in absence of any substantial question of law involved in the present appeal, I do not find any merit, accordingly, the appeal is **dismissed**.

[ANIL S. KILOR, J.]