

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

CIVIL APPLICATION (CAS) NO.1323/2022
IN
SECOND APPEAL NO.516/2018

Shri Shaligram Nathuji Lande and others
 Vs.
 Shailaja Dattaraya Palsodkar and others

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

Court's or Judge's orders

 Shri J.Y. Ghurde, Advocate for applicants
 Shri R.G. Kavimandan, Advocate for respondent No.1

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 09/01/2023

The present application is filed by the applicants for grant of permission to raise additional substantial questions of law. Those are as under:

“XIII) Whether the issue of bonafide need of the suit premises being an essential issue ought to have been framed by the courts below?

XIV) Whether in absence of any finding on bonafide need, the suit for eviction can be decreed?”

2. Learned Counsel for respondents vehemently opposed the application on the ground that the relief is claimed under Section 106 of the Transfer of Property Act, 1882. There is no question of finding on bonafide need by the applicants. As such these substantial questions of law will not arise for consideration.

3. At this juncture, permission to raise additional substantial questions of law is under consideration. For that reason, there is no impediment in allowing the application to raise additional substantial questions of law as mentioned in the application. However, it is made clear that before formulating those substantial questions of law for consideration in this appeal, those will be formulated after hearing both the parties. Hence the application is allowed.
4. Necessary amendment to be carried out within one week in the appeal memo.
5. The application stands disposed of.

JUDGE

R.S. Sahare