

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

CIVIL APPLICATION (CAS) NO.1451/2023
IN
SECOND APPEAL NO.407/2023

Hiraman Sitaram Martode and others
 Vs.
 Pundlik Raghoba Lade and another

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

Court's or Judge's orders

Shri S.A. Puranik, Advocate for appellants

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 02/11/2023

The present application is filed for grant of permission to delete the name of appellant No.3 and also for necessary correction in the name of appellant No.3 as mentioned in paragraph No.1 of the appeal memo.

2. For the reasons stated in the application, the application is allowed. Permission is granted to delete the name of Appellant No.3 from the array of appellants. Permission is also granted to correct the name of the appellant No.3 at the risk and consequences to be borne by appellants.

3. Necessary amendment to be carried out within two weeks.

4. The application stands disposed of.

5. After amendment is carried out, issue notice to the respondents, returnable within three week on following substantial questions of law:

“i) Whether the learned First Appellate Court was right in holding that the Power of Attorney dated 15/12/2004 was duly executed by Sitaram s/o Govind Martode?

ii) Whether the learned First Appellate Court was right in holding that there was no compliance of Order 6 Rule 4 of CPC for holding that the Power of Attorney dated 15/12/2004 is a fake and fraud document?

iii) Whether the learned First Appellate Court was right in holding that the sale deed dated 09/03/2006 is valid even though if it is executed on the basis of an unregistered Power of Attorney as per Sections 32 and 33 of the Registration Act?

iv) Whether the learned First Appellate Court was right in holding that the suit itself is barred by limitation?”

JUDGE

R.S. Sahare