

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**15 SECOND APPEAL NO. 315 OF 1992
WITH
CIVIL APPLICATION NO. 3169 OF 2024
IN SA/315/1992
WITH
CIVIL APPLICATION NO. 2195 OF 2008
IN SA/315/1992**

SHANKAR AMBADAS PARSEWAR (L.RS.) KALAWATIBAI AND
ORS

....Appellant

VERSUS

M/S GANESH SAW MILLS THRO.PARTNER.

.....Respondent

.....

Advocate for Appellants : Mr. C.V. Dharurkar

Advocate for Respondent No.1 :Mr. S. S. Manale

....

CORAM : SANDIPKUMAR C. MORE, J.

DATED : October 14, 2024

ORDER:-

1. The learned counsel for the appellant filed on record substantial questions of law. However, it seems that this Court on the very first date, has framed the substantial questions of law by observing that the appeal is involving substantial questions of law regarding applicability of Section 106 & 107 of the Transfer of Property Act. The learned counsel for the respondent has also pointed out that the earlier notice given by the landlord was waived by issuing fresh notice, but the

learned Appellate Court has observed that this cannot be considered to be a ground for holding earlier notice bad in law. As such, another substantial question of law is formulated as follows :-

Whether the finding on the point of waiver amounts to res judicata by the Appellate Court is justified ?

2. Stand over for final hearing on 13.11.2024.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni