



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.107 OF 1988

Sopan Narsinga Gaikwad & Ors.

...Appellants

Versus

Gyanoba Bhimrao Shinde & Ors.

...Respondents

WITH
CIVIL APPLICATION NO.10334 OF 2024
IN
SECOND APPEAL NO.107 OF 1988

Adv. Abhijeet Rane h/f. Adv. Arvind K. Tiwari for Appellants.

Adv. Rajendra S. Deshmukh, Senior Counsel a/w. Adv. Ashwini S. Deshmukh and Adv. Shriram Deshmukh i/b. Adv. Devang R. Deshmukh for Respondent No.1/1.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 16th DECEMBER 2024.

PC.:-

1. Heard learned Advocates appearing for respective parties.
2. Apparently, while admitting this second appeal, the question of law is not framed. Learned Advocate appearing for Appellants puts into service following substantial questions of law:-

- (i) Whether the defence under Section 56 of Transfer of Property Act, 1882 would be available to the Plaintiff/Purchaser, in view of provisions of Maharashtra Cooperative Societies Act, 1960 ?

- (ii) Whether Plaintiff fulfills requirement of Section 56 of Transfer of Property Act, 1882 to set up his defence regarding right to ask for marshalling ?

3. Parties to advance their submissions on the aforesaid questions of law on next date of hearing. Place the matter for hearing and disposal on the aforesaid questions of law on 21st January 2025 at 2:30 p.m.

(S. G. CHAPALGAONKAR, J.)