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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 139 OF 2024
WITH
CIVIL APPLICATION NO. 172 OF 2020

Shantabai Ramchandra Jadhav ... Appellants/Applicants
and Others

Vs.

Pilija Shankar Jadhav ... Respondent

Mr. Rajaram V. Bansode for the Appellants/Applicants.

CORAM : GAURI GODSE, J.

DATE : 11th DECEMBER 2024

ORDER :

1. Heard learned counsel for the appellants. The second appeal is admitted on the following substantial questions of law :

(i) Whether the findings recorded by both the courts in holding that the suit is barred by limitation would amount to incorrect appreciation of the evidence on record in as much as the defendant failed to produce any evidence to support his contention that he is in possession since 1971 ?

(ii) Whether both the courts have correctly appreciated the

documents produced by the defendant to support his contention that he is in possession of the suit property ?

(iii) Whether the documents and evidence relied upon by the plaintiffs would indicate that the plaintiffs' suit is within limitation based on the cause of action pleaded in the suit ?

2. In addition to court notice, learned Advocate for the appellants to serve the respondent by private service and file service affidavit.
3. Call for record and proceedings.
4. Printing is dispensed with.
5. Learned Advocate for the appellants shall file private paper book within one year from today.

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6. Rule on interim relief in terms of prayer clause (a) is made returnable on 5th March 2025.
7. In addition to court notice, learned Advocate for the appellants to serve the respondent by private service and file service affidavit before the next date.

[GAURI GODSE, J.]