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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO. 392 OF 2020
WITH
INTERIM APPLICATION NO. 914 OF 2024
IN
SECOND APPEAL NO. 392 OF 2020
WITH
INTERIM APPLICATION NO. 492 OF 2019
IN
SECOND APPEAL NO. 392 OF 2020**

Vijaykumar Laxman Sonawane and Ors

.....Appellants

Vs.

Laxminarasu Buchayya Posham and Ors

.....Respondents

Mr. Bhushan Walimbe a/w Mr. Parth Modak for the appellants

Mr. A. B. Tajane for respondent nos. 1 to 3

CORAM : GAURI GODSE, J.

DATE : 25th JUNE 2024

ORDER:

1. Heard learned counsel for the appellant and learned counsel for respondent nos. 1 to 3. The second appeal is admitted on the following substantial questions of law:

- (i) Whether the suit could have been dismissed by the First Appellate Court by ignoring the conditions reflected in the letter at Exhibit 106 issued by the State Government in favour of Solapur Municipal Council permitting allotment of the land only to persons belonging to backward community?
 - (ii) Whether the First Appellate Court misinterpreted the evidence and erred in reversing the findings recorded by the Trial Court on the issue of conditions for allotment of land only to persons belonging to backward community?
 - (iii) Whether the First Appellate Court has ignored the documents produced by the plaintiffs showing acceptance of amount from Manjulabai for entering her name in respect of the suit property in lieu of transfer agreed by the original allottee Hanmantu?
 - (iv) Whether the issue of limitation answered by the First Appellate Court in the negative is on a correct appreciation of the facts on record and the cause of action pleaded by the plaintiff?
2. Mr.Tajane waives service for respondent nos. 1 to 3. In addition

to Court notice, appellant is permitted to serve rest of the respondents by private notice and file affidavit of service.

3. Call for record and proceedings. Printing is dispensed with.

4. Appellant to file private paper-book within a period of one year.

INTERIM APPLICATION NO. 492 OF 2019:

5. Rule on interim relief in terms of prayer clause (c) is made returnable on 3rd September 2024.

6. Mr. Tajane waives service for respondent nos. 1 to 3. In addition to Court notice, appellant is permitted to serve rest of the respondents by private notice and file affidavit of service before the next date.

7. Till next date, there will be ad-interim relief in terms of prayer clause (c).

INTERIM APPLICATION NO. 914 OF 2024:

8. Stand over to 3rd September 2024.

[GAURI GODSE, J.]