

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.92 OF 2024

Shanoor Marzaban Bharucha

....Appellant

V/S

Dagadu Maruti Khandve

...Respondent

...

Mr. G.S. Godbole, Senior Advocate with Mr. Kaustubh Thipsay i/b
Mr. Pradeep Salgar for the Appellant.

...

CORAM: SANDEEP V. MARNE, J.

DATE : FEBRUARY 15, 2024.

P.C.:

1 Heard Mr. Godbole, the learned Senior Advocate appearing for the Appellant. The Second Appeal is admitted on following substantial questions of law:

- i) Whether acceptance of part consideration and execution of sale deed by Defendant Nos.2 to 5 on 28 January 2010 would save Plaintiff's suit from limitation or whether limitation needs to be computed from the date for performance as originally agreed between the parties?
- ii) Whether execution of sale deed by Defendant Nos.2 to 5 on 28 January 2010 would prove readiness and willingness on the part of the Plaintiff to have the sale transaction effected?

- iii) On the basis of evidence on record whether the finding of First Appellate Court about absence of readiness and willingness on the part of the Plaintiff sustainable?

2 Printing dispensed with. Appellant to file private paper book within a period of one year from today.

(SANDEEP V. MARNE, J.)