



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL SECOND APPEAL NO. 246 OF 2019
ALONGWITH
CIVIL APPLICATION NO. 1397 OF 2018

Ramchandra Vishnu Sable And
Others

...Appellants

vs.

Narayan Shankarrao Game
Patil And Others

...Respondents

Mr. Macchindra A. Patil a/w Mr. Vijay R. Garad	Advocate for the Appellant Nos. 1 and 2 in Second Appeal No. 246 of 2019
Mr. Rajaram V. Bansode and Ms. Sheetal M. Ubale	Advocate for Respondent No. 1
Mr. Kalpesh Patil	Advocate for Respondent No. 3

ALONGWITH
CIVIL SECOND APPEAL NO. 249 OF 2024
ALONGWITH
CIVIL APPLICATION NO. 8038 OF 2024

Popat Vishnu Sabale

...Appellant

vs.

Narayan Shankarrao Game
Patil And Others

...Respondents

Mr. Kalpesh Patil	Advocate for Appellant
Mr. Macchindra A. Patil a/w Mr. Vijay R. Garad	Advocate for the Respondent Nos. 3 and 4 in Second Appeal No. 249 of 2019

Mr. Rajaram V. Bansode and Ms. Sheetal M. Ubale	Advocate for Respondent No. 1
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CORAM : S. M. MODAK, J.

DATE : 26th JULY 2024P.C. :-

1. Heard learned Advocate Shri Machhindra A. Patil for the Appellant. He made the following submissions:-

(i) The suit for refund of the earnest money is not maintainable.

Specific performance is not sought.

(ii) He relied upon the provisions of the Section 22(b) of the Specific Relief Act.

(iii) He read over the findings of the trial Court and the Appellate Court.

(iv) His grievance is both the Courts below have not considered the evidence in respect of the sale deed in between Defendant Nos. 1 to 3 and defendant No. 4.

2. He has closed his arguments. He has relied upon the following two judgments:

(i) *Vasudeo Harchand Kolhe and Anr. Vs. Bhaulal Nadarsingh*

*Rajput and Anr.*¹

(ii) *Bhikaram Nathuji Vanjari and Anr. Vs. Sarsawatibai Motilal*

*Zarkariya*²

3. Matter be kept on **02/08/2024 at 2.30 p.m.** for hearing the Respondent.

[S. M. MODAK, J.]

1 AIR 1994 Bombay 124

2 1996 (2) Mh. L.J. 756