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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 746 OF 2024**

Koyanabai Dhondiba More deceased heirs
legal representative and Ors ... Appellants

vs.

Sadashiv Daulatrao Desai (Salunke) and Ors ... Respondents

Mr. M.S. Patankar, Mr. S.D. Patankar, Mr. S. Chavan for Appellants.

Mr. Shrishailya S. Deshmukh for Respondent No.1.

CORAM : GAURI GODSE, J.

DATED : 6th DECEMBER 2024

ORDER:

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

I) Whether the first appellate court could have passed a decree for possession against the defendants, in the absence of any first appeal or cross objections filed by the plaintiffs, challenging dismissal of their prayer for possession by the trial court?

II) Whether there can be a decree in favour of plaintiffs in the first appeal preferred by the defendants challenging the trial court's decree partly against the defendants?

2. Learned advocate for respondent no. 1, waives notice.

3. In addition to Court notice, learned advocate for the appellants to serve the remaining respondents, by private notice and file affidavit of service.
4. Call for records and proceedings.
5. Printing is dispensed with.
6. Learned advocate for the appellants shall file private paper-book within a period of one year from today.

(GAURI GODSE, J.)