

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 246 OF 2019
WITH
CIVIL APPLICATION NO. 1397 OF 2018
IN
SECOND APPEAL NO. 246 OF 2019

Ramchandra Vishnu Sable and Ors. ...Appellants

vs.

Narayan Shankarrao Game Patil and Ors. ...Respondents

WITH
SECOND APPEAL NO. 249 OF 2024

Popat Vishnu Sabale ...Appellant

vs.

Narayan Shankarrao Game (Patil) ...Respondent

WITH
INTERIM APPLICATION NO. 8038 OF 2024

Popat Vishnu Sabale ...Appellant

vs.

Narayan Shankarrao Game (Patil) and Ors. ...Respondents

Mr.Machhindra A. Patil a/w Mr.Vijay R. Garad:-	Advocates for Appellant Nos.1 and 2 in Second Appeal No.246 of 2019.
Mr.Machhindra A. Patil a/w Mr.Vijay R. Garad:-	Advocates for Respondent Nos.3 and 4 in Second Appeal No.249 of 2024.

Mr.S.G.Deshmukh Mr.Rajaram V. Bansode Ms.Sheetal M. Ubale:-	a/w and	Advocate for Respondent No.1 in both the Appeals.
Mr.Kalpesh Patil:-		Advocate for Respondent No.3 in Second Appeal No.246 of 2019 and for Appellant in Second Appeal No.249 of 2024 and IA No.8038 of 2024.

CORAM : S. M. MODAK, J.

DATE : 5th JULY 2024P. C. :-

1. Even though, earlier Mr.Machhindra Patil for the Appellants had come, at that time, the Court was busy in hearing another Criminal Appeal.

2. When this matter is called out, at that time, learned Advocate Mr.Kalpesh Patil for Appellant in Second Appeal No.249 of 2024 is present. Hence, I asked him to proceed with the arguments. I have heard him. He made following submissions:-

- (a) No attempt was made to file a Suit for Specific Performance.
- (b) An attempt was made to lead evidence about separate residence by the Plaintiffs with their mother but no evidence was adduced to show discord.
- (c) The Plaintiff will entitled to refund of money only when the

vendor has failed to execute a sale-deed. It has not happened.

- (d) Both the Courts below have not discussed the evidence on the point of separate residence.

3. Stand over to **26th July 2024** for hearing the remaining arguments by learned Advocate Shri.Machhindra Patil.

4. To be listed at **3.00 p.m.**

[S. M. MODAK, J.]