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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 251 OF 2024

WITH

INTERIM APPLICATION NO. 8049 OF 2024

IN

SECOND APPEAL NO. 251 OF 2024

Ramdas Harishchandra Raje

.....Appellant

Vs.

Baban Maruti Kumbhar

.....Respondent

Mr. Sarthak S. Diwan for the appellant

Mr. Dhananjayrao Rananware for respondent

CORAM : GAURI GODSE, J.

DATE : 13th JUNE 2024

P.C.

SECOND APPEAL NO. 251 OF 2024

1. Heard. The second appeal is admitted on the following substantial questions of law.

(i) Whether the suit for redemption of mortgage could

have been decreed when the plaintiff himself claimed that he was dispossessed and was not in possession of the suit property?

(ii) Whether the findings recorded by both the Courts on the issue of limitation for the suit of redemption and possession is within the parameters as contemplated under Article 63 of the Limitation Act, 1963?

2. Mr. Rananware waives service for respondent.
3. Call for record and proceedings. Printing is dispensed with.
4. Appellant to file private paper-book within a period of one year from today.

INTERIM APPLICATION NO. 8049 OF 2024:

5. Second appeal is already admitted on the point of limitation and the right of the plaintiff to seek possession on the ground of redemption. Hence, during the pendency of the second appeal, there will be ad-interim relief in terms of prayer clauses (b) and (c) subject to

appellant not creating any third party interest or parting with possession of the suit property.

[GAURI GODSE, J.]