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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
SECOND APPEAL (ST) NO. 17750 OF 2024  
WITH  
INTERIM APPLICATION NO. 11421 OF 2024**

Sou. Sunanda Madhukar Bhosale                      ...                      Appellant  
through his Power of Attorney Holder  
Shri Pravin Madhukar Bhosale  
Vs.  
Pralhad Masu Kamble (Deceased)                      ...                      Respondent

Mr. Umesh Mankapure for the Appellant.

**CORAM : GAURI GODSE, J.**

**DATE : 23<sup>rd</sup> SEPTEMBER 2024**

**ORDER :**

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

- (i) Once execution of the agreement and the issue of readiness and willingness to perform his part of the contract is accepted by both the courts in favour of the plaintiff whether the prayer for specific performance could have been refused by exercising discretion under Section 20 of the Specific Relief Act, 1963 without recording any valid reasons ?

(ii) Whether the reasons recorded by both courts for exercising discretion under Section 20 of the Specific Relief Act, 1963 in refusing grant of specific performance for want of correct identification of the suit property would amount to perverse finding, in as much as the defendant nos. 1 and 2 have not disputed the description of the suit properties ?

(iii) In view of the legal principles settled by the Hon'ble Apex court in the case of *Leeladhar (Dead) through Legal Representatives vs. Vijay Kumar (Dead) through Legal Representatives and Others*<sup>1</sup> whether the reasons recorded by both courts for exercising discretion under Section 20 of the Specific Relief Act, 1963 are sustainable ?

2. In addition to court notice, learned Advocate for the appellant to serve the respondent by private service and file service affidavit.
3. Call for record and proceedings.
4. Printing is dispensed with.
5. Learned Advocate for the appellant shall file private paper book within one year from today.

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<sup>1</sup> (2020) 19 SCC 336

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6. Learned counsel for the applicant seeks leave to amend the application. Leave granted. Amendment to be carried out within four weeks.

7. List the interim application “For Orders” on 25<sup>th</sup> November 2024.

[GAURI GODSE, J.]