



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAS] No.100 of 2024
in
Second Appeal No.454 of 2019

Mangesh Subhashrao Madamwar and another
vs.
Prabhakar Natthuji Sambare and another

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Mr. M.G. Bhangde, Senior Advocate assisted by Mr. R.R. Srivastava,
Advocate for the Applicants/Appellants.*
Mr. S.K. Pardhy, Advocate for Non-Applicant/Respondent No.1

CORAM : M.W. CHANDWANI, J.
DATE : 8th OCTOBER, 2024.

Heard learned Senior Counsel Mr. M.G. Bhangde
appearing for the appellants and learned Counsel Mr. S.K.
Pardhy for respondent No.1.

02. By this application, the appellants seek to frame
additional substantial questions of law.

03. So far as the question sought framed in the
application at K, L, M and N are concerned, these questions are
already covered by the substantial questions of law framed by
this Court at Serial No.2 vide order dated 10/10/2019. All
other questions sought to be raised in this application can be
taken care of by framing the following two substantial
questions of law:

(iii) *Whether the first appellate Court committed error in
dismissing the appeal instead of remanding the matter
in the teeth of submission before the first appellate
Court that respondent No.2 was negligent in defending*

the suit having lost interest in the suit property after execution of sale-deed in favour of the appellants.?

(iv) Whether the trial Court was justified in holding that respondent No.1 was ready and willing to perform his part of contract?

04. The application is allowed and disposed of in above terms.

05. List the matter for final hearing after two weeks.

JUDGE

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