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67.sa.120.2024

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

SECOND APPEAL NO.120 OF 2024

Rasika Kamlakar Bobate
Vs.
Vijay Bhudeo Deshmukh and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. S. Kukday, Counsel for the appellant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/11/2024

1. By preferring this appeal, the appellant has challenged the judgment and decree passed by the First Appellate Court in Regular Civil Appeal No.59/2015 dated 21.10.2023.

2. Issue notice on following substantial questions of law to the respondents.

(i) Whether suit is barred by the limitation in view of Article 58 of the Limitation Act?

(ii) Whether Article 58 or Article 65 will apply?

(iii) Whether the deceased Domaji has any right to alienate the coparcenary property on the basis of a Will executed by him?

3. In the meantime, the operation and execution of the judgment and decree passed is stayed till appearance of the respondents.

4. Learned Counsel for the appellant is permitted to serve the respondents by all modes of service.

5. Stand over after three weeks.

(URMILA JOSHI-PHALKE, J.)