



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 SECOND APPEAL NO. 22 OF 2022

MADHAVRAO WAMANRAO PAWDE AND ORS.
VERSUS
ARJUN NARAYANRAO PAWDE AND ORS.

WITH
CIVIL APPLICATION NO. 576 OF 2022
IN SA/22/2022

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Sr. Adv. R. N. Dhorde i/b Adv. V. S. Kadam, Advocate for Appellants
Adv. D. R. Kale h/f Adv. V. B. Dhage, Advocate for Respondent Nos. 1 to 5

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CORUM : ROHIT W. JOSHI, J.
DATE : 1st APRIL, 2025

ORDER :

SECOND APPEAL NO. 22 OF 2022 :

1. Admit on the following substantial questions of law:

“A) Whether the finding by the learned First Appellate Court that the suit was barred by limitation is sustainable in view of Article 54 of the Limitation Act, 1963, inasmuch as date for execution and registration of sale deed was not fixed under the agreement and the date of refusal on the part of the defendant/vendor is 08.06.2012 and the suit is filed thereafter on 11.06.2012 ?”

B) When admittedly, the defendant/vendor has not discharged his obligation under the contract with respect to obtaining permission for sale of the suit property in accordance

with the provisions of the Hyderabad Tenancy and Agricultural Lands Act, 1950, could the suit for specific performance filed by the plaintiff/vendee be dismissed on the ground that he was not ready and willing to perform his part of the contract ?”

C) Whether the learned First Appellate Court has erred in reversing judgment and decree passed by the learned Trial Court without coming to close quarters with the reasons recorded by the learned Trial Court while decreeing the suit for specific performance of contract ?”

2. Learned advocate, Mr. D. R. Kale h/f Mr. Dhage waives service of notice for all the respondents.

CIVIL APPLICATION NO. 576 OF 2022 :

1. In view of the fact that the appeal is admitted, the respondents are directed not to create third party interest over the suit property as also to part with possession of the same in favour of any third person till final disposal of the appeal.

2. Civil application stands disposed of.

**[ROHIT W. JOSHI]
JUDGE**

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