



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 SECOND APPEAL NO. 231 OF 2024

Murali Ramkishan Magar Thr Lrs Balasaheb Murali Magar And Ors.

VERSUS

Dattaraya Uttam Patange And Ors.

...

Mr. Rajendra Vitthalrao Dasalkar, Advocate for Appellants

Mr. A. D. Gade, Advocate for Respondent No. 1

...

WITH

CIVIL APPLICATION NO. 9512 OF 2024

IN SA/231/2024

...

CORUM : ROHIT W. JOSHI, J.

DATE : 12th MARCH, 2025

PER COURT :

SECOND APPEAL NO. 231 OF 2024 :

1. **Admit** on the following substantial questions of law.

(a) Since Pralhad, the father of respondent Nos. 2 and 3 had sold the suit property to the respondent No. 4 vide sale deed dated 09.01.1981 can the respondent No. 1 who has purchased the suit property from the respondent Nos. 2 and 3 vide sale deed dated 10.10.2008 claim any right over the suit property?

(b) Was the learned First Appellate Court justified in discarding the exchange deed dated 21.02.2004 in its entirety on the ground that it was not registered in accordance with provisions of Indian Registration Act rather than reading it for collateral purpose of determining possession over the suit property?

2. Issue notice to respondent Nos. 2 to 4, returnable on 23.04.2025.
3. Learned advocate Mr. Gade waives service of notice for respondent No. 1.
4. Appellants are permitted to serve respondent Nos. 2 to 4 by all permissible modes of private service in addition to regular mode of service.
5. Call Record and Proceedings.

CIVIL APPLICATION NO. 9512 OF 2024:

. Since the suit of the appellant-plaintiff is dismissed, there is no question of granting stay to execution of any decree. In view of the aforesaid Civil Application No. 9512 of 2024 is **rejected** as not maintainable. Leave is granted to the appellants to move an appropriate application for injunction.

[ROHIT W. JOSHI]
JUDGE

KS_Kamble/